

15 MAY 1947

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of
WITNESSES

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15 MAY 1947

I N D E X
Of
EXHIBITS

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Thursday, 15 May 1947

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

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Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Mattice.

4 What is the hold-up due to?

5 MR. MATTICE: Your Honor.

6 THE PRESIDENT: Mr. Mattice.

7 MR. MATTICE: Resuming paragraph beginning
8 near the bottom of page 40: (exhibit No. 2584, deposition
9 of ISHIHARA, Kanji) (Reading)

10 The army was not concerned much in the
11 politics and economy of the new state. But, we were
12 confident that, in order to exterminate disturbances
13 through racial unity in Manchuria and to realize co-
14 existence and co-prosperity of Japan and China, Japan
15 herself should set an example, by abandoning her
16 claims to the rights and interests and contributing
17 to the stabilization of Manchuria in a new moral basis.
18 With this confidence we instructed officers and men
19 to watch over their own conducts with great self-
20 restraint.
21

22 As the new state was successfully founded,
23 there appeared afterward some people, military and
24 civilian, who claimed for themselves the credit of
25 its foundation, saying that they planned it themselves
or with the Kwantung Army, etc. But the foundation

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1 of Manchukuo was nothing more than a historical
2 product of Manchuria, and I believe that the idea
3 of racial cooperation will live forever."

4 THE COMMISSIONER: Have you any further
5 questions to put outside of the affidavit?

6 MR. MATTICE: Yes, Commissioner.

7 Mr. OKAMOTO, one of the Japanese counsel
8 for the defense, desires to ask this witness a few
9 questions. I prefer that he do it, if he may.

10 THE COMMISSIONER: Before that is done,
11 Mr. Mattice, perhaps I should have had you explain
12 on whose behalf this witness is tendered.

13 MR. MATTICE: On behalf of the defense;
14 meaning by that, that he is not offered as a witness
15 on behalf of any particular defendant, but is offered
16 as a witness in what we designated as the Manchurian
17 phase.

18 THE COMMISSIONER: Inasmuch as the defense
19 is not an abstraction, does that mean he is offered
20 on behalf of all the accused?

21 MR. MATTICE: Yes, your Honor.

22 THE COMMISSIONER: Then, for whom does
23 Mr. OKAMOTO appear when he interrogates him?

24 MR. MATTICE: In particular, Mr. OKAMOTO
25 appears for the accused MINAMI.

1 THE COMMISSIONER: And is it in that
2 behalf he now interrogates?

3 MR. MATTICE: That is true, your Honor, on
4 behalf of the accused MINAMI.

5 THE COMMISSIONER: Thank you.

6 Will you proceed, Mr. OKAMOTO?

7 MR. T. OKAMOTO: Thank you, sir.

8 THE COMMISSIONER: Just one moment, please.

9 MR. DUNIGAN: I do not know that this has
10 any bearing upon the proceedings. I am merely
11 calling it to the Court's attention that to the best
12 of my knowledge and belief this witness was subpoenaed
13 on behalf of TOJO and no other defendant.

14 THE COMMISSIONER: Being before the Court
15 upon subpoena does not prevent his being tendered
16 on behalf of all the accused.

17 MR. DUNIGAN: I merely call it to the
18 Court's attention.

19 MR. T. OKAMOTO: In view of the prosecutor's
20 remarks, there is one point on which I should like
21 to explain. I do not believe that the present
22 witness was subpoenaed on behalf of the defendant
23 TOJO. I believe that the present witness was called--
24 the appearance of this witness was requested by the
25 defendants MINAMI, KOISO, ITAGAKI and two or three

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1 others who were connected with the Manchurian
2 Incident, and that this application was granted.

3 THE COMMISSIONER: Mr. OKAMOTO, I do not
4 think you need pursue that. He is quite entitled
5 to be examined on behalf of anyone, once being
6 before the Court by subpoena.

7 MR. T. OKAMOTO: One word more -- may I
8 add one word more of explanation?

9 The first 4 to 5 questions will be asked
10 on behalf of the defendant MINAMI, the next 2 or 3
11 questions will be asked on behalf of the defendant
12 KIDO, whose defense counsel requested me to ask these
13 questions.

14 THE COMMISSIONER: Will you be good enough
15 then, when you come to the questions, to indicate
16 on whose behalf they are being presented.

17 MR. T. OKAMOTO: Yes, sir.

18 DIRECT EXAMINATION

19 BY MR. T. OKAMOTO (Continued):

20 Q My first question is this, Mr. Witness:
21 While you were staff officer of the Kwantung Army,
22 did you ever make any research concerning the military
23 preparations of the Chang Hsueh-liang regime?

24 A Yes.

25 Q Please state the general details of this,

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2 Incident, and that this application was granted.

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18 DIRECT EXAMINATION

19 BY MR. T. OKAMOTO (Continued):

20 Q My first question is this, Mr. Witness:
21 While you were staff officer of the Kwantung Army,
22 did you ever make any research concerning the military
23 preparations of the Chang Hsueh-liang regime?

24 A Yes.

25 Q Please state the general details of this,

1 briefly?

2 A The total strength of Chang Hsueh-liang's
3 army was from 200,000 to 250,000. The equipment
4 of his forces outside of Mukden, numbering about
5 150,000, was not of the best.

6 THE INTERPRETER: Outside, other than the
7 Mukden forces; correction.

8 A (Continuing) However, the Mukden forces,
9 numbering about 100,000 which were under the direct
10 control of the Chang Hsueh-liang regime, had excellent
11 equipment and compared to the Japanese forces stationed
12 in Manchuria was far superior.

13 Two facts worthy of attention are that while
14 the Japanese army in Manchuria did not possess a
15 single airplane at the time, the Mukden forces had
16 several -- had a considerable number of airplanes,
17 while, as for tank units, while the Japanese army
18 had none the Mukden forces had many. That is all.

19 Q What were the operational plans of the
20 Kwantung Army against this Chang Hsueh-liang army
21 which had all this modern equipment?

22 A Briefly, our plan was this: If a collision
23 between the Japanese and Chinese forces should
24 occur, in other words, if the Chinese forces should
25 attack the Japanese, no matter where that particular

1 attack happened to come, the Japanese Army was to
2 concentrate all the forces -- all the strength it
3 could and to -- all the strength it could against
4 Mukden. That is all.

5 Q Were the seizure of air fields and of the
6 Mukden arsenal among these operational plans?

7 A We had no plans concerning the Mukden
8 arsenal. Concerning air fields we had no especial
9 plans. However, in August 1931, after the arrival
10 of Lieutenant General HONJO as commander, new plans
11 were set up and forces stationed at Fuhsien were to
12 make a surprise attack. The company stationed at
13 Fuhsien was to make a surprise attack.

14 Q Are you aware that because the Fuhsien
15 company -- because the company stationed at Fuhsien
16 was given such instructions several problems arose?

17 A Yes, I am aware of that.

18 Q Please explain this point, briefly.

19 A As for the plans, they covered a very narrow
20 extent. This plan was -- this particular plan was
21 sent to the commander of the company stationed at
22 Fuhsien towards the end of August upon approval.
23 When I met the company commander several days after
24 the capture of Mukden the captain made several explan-
25 ations to me -- the company commander. He said that he

1 felt extreme anxiety that this plan required him to
2 leave Fuhsien, which was a very important point in
3 order to attack the air fields. He told me that he
4 wished to insure the defense of Fuhsien by utilizing
5 the police and ex-servicemen to the utmost extent
6 possible, and wanted to consult with these people,
7 but because he was unable to divulge to them the
8 plan, he told them of a certain hypothesis and had
9 these people gather as if it were a kind of maneuver.
10 This hypothesis was that on the 18th of September
11 a certain untoward event was to occur in Mukden which
12 would necessitate his leaving his post. "In which
13 circumstances what would you do," he asked these
14 people. Immediately after this consultation was over
15 he sent notes to the various people concerned saying
16 that this was a complete hypothesis and calling it
17 off. However, this report was sent from the Consul-
18 General in Mukden to the Foreign Office and because
19 of this the army was caused considerable embarrassment
20 concerning which the company commander apologized very
21 deeply to me that this was because of his own light-
22 headed judgment. I heard from the Commander in Chief
23 and from the staff officers concerned that this
24 incident had created a great problem.
25

The fact that this date of September 18 was

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1 purely a coincidence is -- can be certified by the
2 following facts: On the day when -- on the actual
3 day of September 18, this company commander was
4 extremely excited, and, forgetting to attack the
5 air fields that had been planned, he rushed to
6 Mukden with his forces in a very incomplete state
7 of armament.

8 Q Do you know the name of this company
9 commander?

10 A I have forgotten his full name, but his
11 last name was KAWAKAMI.

12 Q Do you know whether he is living or not
13 at present?

14 A I do not know.

15 Q Are you aware that one of the -- there
16 was a brigade commander by the name of Wang Iche
17 among the officers in Chang Hsueh-liang's army?

18 A I do.

19 Q Have you ever met this Wang Iche?

20 A I visited him once for a short time.

21 Q What was the fighting spirit of Chang
22 Hsueh-liang's army and in particular of the brigade
23 under Wang Iche, and what was their -- for instance,
24 their attitude toward the Japanese?

25 A They were among the forces which were

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2 following facts: On the day when -- on the actual
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21 Q What was the fighting spirit of Chang
22 Hsueh-liang's army and in particular of the brigade
23 under Wang Iche, and what was their -- for instance,
24 their attitude toward the Japanese?

25 A They were among the forces which were

1 stationed in the north barracks. This brigade was
2 one of the strongest and one of the most anti-
3 Japanese.

4 When the Chief of Staff of my division
5 arrived to take up his post, he said he would like
6 to pay a courtesy call to Wang Ichu and I accompanied
7 him on this visit. At that time Wang was giving
8 his summary of maneuvers which had been conducted
9 by the brigade in the assembly hall of the brigade.

10 THE INTERPRETER: Summary and comments,
11 correction.

12 A (Continuing) We were taken to the room of
13 his aide. In the aide's room we found a copy of the
14 brigade commander's instructions printed and hung up
15 on the wall. In the near -- this instruction stated
16 that "in the near future we will receive an attack
17 from a neighboring power -- from a strong neighboring
18 power. We must resist this attack with all the means
19 at our disposal."
20

21 MR. DUNIGAN: If your Honor please.

22 A (Continuing) This was the context of the
23 instructions.

24 THE COMMISSIONER: Yes, Mr. Dunigan.

25 MR. DUNIGAN: I am going to make an objection
to any further testimony by this witness at this point

1 and in this manner, based upon the proposition that
2 he is giving testimony now which is not contained
3 in the affidavit. In other words, he is being exam-
4 ined here orally. As I understand, the ruling of the
5 Tribunal sometime ago was to the effect that witnesses
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1 from that point on should give their testimony
2 by affidavit.

3 THE COMMISSIONER: I do not need to hear
4 you, Mr. OKAMOTO.

5 The principal function of the Tribunal, as
6 of this Commission, is to ascertain all relevant
7 facts. Rules of procedure are largely dictated by
8 matters of convenience. That was especially the case
9 with the rule to which Mr. Dunigan has referred. In
10 proper cases it will not operate to exclude relevant
11 evidence.

12 The witness is now speaking of information
13 he obtained through a document he read in the quarters
14 of the Chinese General. It appears to be relevant and
15 therefore is admissible.

16 MR. DUNIGAN: The objection, your Honor,
17 was not based upon the fact that the testimony was
18 irrelevant.

19 THE COMMISSIONER: Yes, I quite appreciate
20 that. As it is relevant the rule should not operate
21 to exclude it.

22 MR. DUNIGAN: Very well, your Honor.

23 THE COMMISSIONER: You may continue, Mr.
24 OKAMOTO.

25 BY MR. T. OKAMOTO (Continuing):

1 Q Did the Wang Iche forces ever take any
2 action which might be construed as a challenge to
3 the Japanese forces?

4 A Various obstructionistic tactics were carried
5 out time and again towards the railway lines which
6 lay to the west of the north barracks. Just one
7 week before the outbreak of the Manchurian Incident --
8 just about -- a Japanese patrol discovered several
9 Chinese soldiers laying large rocks on the tracks
10 one evening. When a member of this patrol tried to
11 take one of these Chinese soldiers to a guardpost
12 along the line, several Chinese soldiers who had been
13 cooling themselves in the Hokuryo came back and
14 started a fight with the Japanese soldiers in order
15 to get this Chinese soldier back and we were all --
16 the two groups almost shed blood.

17 After the north barracks had been captured
18 subsequent to the outbreak of the Manchurian Incident,
19 the Japanese forces discovered the instructions which
20 I had seen in the room of General Wang's aide in every
21 room of the north barracks, and, furthermore, in
22 white characters on a public background, the words
23 in Chinese characters "Seize railway lines to the
24 west of the north barracks." This was a poster. This
25 was in poster form.

1 Q Did any airplanes belonging to the Wang
2 Iche forces carry out demonstration flights over
3 the Japanese barracks or over the houses of Japanese
4 residents?

5 A These flights were carried out very frequently
6 and in spite of repeated Japanese protests they were
7 not discontinued.

8 Q Around this time, that is to say, August
9 to September of 1931, did the Kwantung Army ever
10 consult with the central military authorities concern-
11 ing its operational plans?

12 A No.

13 Q By that would you mean to say that, for
14 instance, in the case of changing the plans of opera-
15 tions of the company stationed at Fuhsien, was this
16 carried out on the arbitrary decision of the Commander-
17 in-Chief of the Kwantung Army?

18 THE COMMISSIONER: Before that question is
19 answered; that is a very objectionable question, Mr.
20 OKAMOTO, because in effect you are putting the words
21 into the witness' mouth. It is too late now and
22 therefore I must let the question go.

23 MR. DUNIGAN: I had no objection to it,
24 your Honor.

25 THE COMMISSIONER: You understand the probative

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1 value of an answer which is put into the mouth
2 of a witness is very gravely reduced.

3 THE INTERPRETER: The witness answered "yes"
4 before Mr. Justice Northcroft spoke.

5 Q Did the Kwantung Army receive instructions
6 from central military authorities concerning how
7 best to settle the incident after the Lukuochiao
8 Incident had already broken out?

9 A Yes, they did.

10 Q Was the line of policy laid down by the
11 central military authorities -- did it coincide with
12 the Kwantung Army's own plans, or was it in variance
13 with them?

14 A They were in complete accordance with the
15 Kwantung Army's plans.

16 Q In what sense were they -- did they accord?

17 A In the sense that they tried to restrict
18 military operations to the minimum.

19 MR. DUNIGAN: If your Honor please, this
20 has all been covered, as I see it, in the affidavit.
21 I do not know whether the Court wants to hear it all
22 over again or not, but this is covered in the affidavit,
23 it is submitted.

24 THE COMMISSIONER: I assume that is correct,
25 but I assume also that it is leading to something which

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1 is not in the affidavit.

2 MR. DUNIGAN: All right, sir.

3 Q Are you aware then that in spite of the
4 fact that the ideas of the Commander-in-Chief of the
5 Kwantung Army coincided with the line of policy set
6 down by central military authorities as far as the
7 results went, in various respects the actions of
8 the Kwantung Army did not coincide with the line
9 of policy set down by the central military authori-
10 ties. What do you think of this?

11 THE INTERPRETER: The witness said, "May
12 I have the question repeated?" to which Mr. OKAMOTO
13 replied, "In brief, although as you said, the ideas
14 of the Commander-in-Chief coincided with those of
15 central military authorities, as far as the results
16 went various actions taken by the Kwantung Army
17 did not always coincide with the line of policy set
18 down by central military authorities. What do you
19 think of this?"

20 A I regret to say that there were very many
21 points on which the actions taken by the Kwantung
22 Army did not coincide with the policies of central
23 military authorities.

24 THE COMMISSIONER: Does that conclude your
25 examination for the accused MINAMI, Mr. OKAMOTO?

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MR. T. OKAMOTO: Yes.

THE COMMISSIONER: And then after MINAMI,
KIDO?

MR. T. OKAMOTO: Yes, that is the end. The
next one is for KIDO.

THE COMMISSIONER: This is a convenient time
to adjourn, and we will adjourn now until 11 o'clock.

(Whereupon, at 1048, a recess was
taken until 1103, after which the proceedings
were resumed as follows:)

THE COMMISSIONER: You now propose to
examine on behalf of the accused KIDO.

MR. T. OKAMOTO: I wish to ask a few ques-
tions on the request of the defense lawyer for the
defendant KIDO.

THE COMMISSIONER: Please do so.
BY MR. T. OKAMOTO (Continued):

Q Did you meet Premier Prince KONOYE in
January 1938?

A Yes, I did.

Q Did you talk with him about the China
problem on that occasion?

A He asked my opinion and the visit consisted
mostly of my stating my opinions.

Q What were your opinions on this occasion?

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1 MR. DUNIGAN: I think I will object to that
2 question, your Honor. It is so broad I do not know
3 what the counsel has in mind. I would not object
4 if he specifies what he intends to ask the witness.

5 THE COMMISSIONER: What do you say to the
6 objection, Mr. OKAMOTO?

7 MR. T. OKAMOTO: I am very sorry to have to
8 say that I simply asked the question as given to me
9 by the defendant -- counsel for the defendant KIDO.
10 I believe, however, that this -- the witness is well
11 aware of what is to follow.

12 THE COMMISSIONER: Is the question directed
13 to asking what opinion the witness stated to Prince
14 KONOYE?

15 MR. T. OKAMOTO: Yes, that is so. This is
16 what the witness had to say when Premier Prince KONOYE
17 asked his opinion, particularly in regard to the
18 Chinese problem.

19 THE COMMISSIONER: Then I think the objection
20 is properly taken and the question should not be
21 answered. Will you please proceed to the next
22 question.

23
24 Q Did Premier KONOYE talk to you on this
25 occasion on whether he did or did not plan to ask
General ITAGAKI to become War Minister?

1 A No, he did not talk to me about this.

2 MR. T. OKAMOTO: That completes the questions
3 as far as the defendant KIDO is concerned and I should
4 like to be permitted to ask a few questions on behalf
5 of the defendant ITAGAKI.

6 THE COMMISSIONER: You may do so.

7 Q When is it that you were Chief of the First
8 Section of the General Staff Office?

9 A From March, 1937, to the end of September
10 of the same year.

11 Q Did you ever conduct any negotiations
12 with the War Minister in your capacity as Chief of
13 the First Section of the General Staff Office?

14 A I did not conduct any important direct
15 negotiations with the War Minister. That is the duty
16 of the Vice-Chief of Staff.

17 Q As Chief of the First Section were you in
18 charge of setting up operational plans?

19 A Yes.

20 Q Do you know whether the War Minister had
21 anything to do with these plans?

22 A That is not possible. It is not possible
23 that the War Minister could have anything to do with
24 these plans.

25 Q Would you explain this point further?

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1 A It is the responsibility of the Chief of
2 the General Staff to set up operational and strategic
3 plans and the War Minister has no authority concern-
4 ing this. However, when these plans have been com-
5 pleted, after having first been approved by the
6 Emperor, they are shown to the War Minister.

7 Q Going back a few years; when ITAGAKI was a
8 staff officer of the Kwantung Army were you also a
9 staff officer of the same Army?

10 A Yes, I was.

11 Q Around the time of the outbreak of the
12 Manchurian Incident, that is to say, around the
13 18th of September, 1931, where was ITAGAKI?

14 A Until the afternoon of the 18th of September
15 he was on an inspection tour together with the
16 Commander-in-Chief of the Kwantung Army, and on the
17 afternoon of the 18th was in Liaoyang. However,
18 that same night he returned to Mukden. That same
19 evening he returned to Mukden.

20 Q Are you aware that the defendant ITAGAKI
21 instructed Regimental Commander HIRATA and Commander
22 of the garrison SHIMAMOTO that same night at Mukden?

23 A I am aware that on the night this incident --
24 when the incident broke out these three, that is to
25 say, ITAGAKI, HIRATA and SHIMAMOTO acted --took

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24 when the incident broke out these three, that is to
25 say, ITAGAKI, HIRATA and SHIMAMOTO acted --took

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1 common action. However, I believe you must exercise
2 great care in using a word such as "instruct" or
3 "guide."

4 Q Well then, how may I understand the word
5 "instruct" or "guide"?

6 A By instructing or guiding I understand
7 the supervision -- the direction of the activities
8 of subordinates by a superior, having a certain
9 authority.

10 Q Did ITAGAKI have any authority to give
11 orders to HIRATA or SHIMAMOTO?

12 A He had no authority to give orders to them
13 himself. Depending on circumstances he might be able
14 to guide them, that is to say, he would -- on such an
15 occasion he would have to convey to them the ideas
16 of the Commander-in-Chief clearly.

17 Q Then, were the actions which ITAGAKI took
18 on and around the 18th of September in accordance
19 with the policy of the Commander-in-Chief?

20 A Yes. In particular I should like to state
21 that the Commander-in-Chief completed on the afternoon
22 of the 18th a tour of the division to the south of
23 Hsinking, and especially in respect to the military
24 preparations of that
25

1 division and on the afternoon of the 18th had
2 given his comments and summary of this tour to the
3 Divisional Commander at Liaoyang. At the end of these
4 instructions he said that the situation was extremely
5 tense and no one was able to predict what might happen
6 at any moment. If matters should suddenly take a
7 turn for the worse each unit should speedily and bravely
8 take action -- appropriate action -- and he especially
9 stressed the necessity of taking speedy action. We
10 staff officers, talking about these instructions among
11 ourselves, commented on the forcefulness of Commander-
12 in-Chief HONJO's remarks as Commander-in-Chief HONJO
13 had the reputation of being a very-- of being a man
14 of a very moderate temperament. It is clear that
15 these instructions did not reach Regimental Commander
16 HIRATA when the Manchurian Incident broke out that
17 night. It was very rational that Colonel ITAGAKI
18 should, understanding the firm instructions of the
19 Commander-in-Chief, guide Colonel HIRATA to take speedy
20 and appropriate action. Colonel HIRATA was a very
21 brave military officer who had received a citation
22 for courage in the Russo-Japanese War, so I believed
23 that even if Colonel ITAGAKI had not given him any
24 special guidance or instructions, Colonel HIRATA
25 would have taken appropriate action himself. Therefore,

1 I believe that although in those circumstances
2 Colonel ITAGAKI was entitled to guide Colonel
3 HIRATA, because Colonel HIRATA himself was a man
4 who took very speedy and appropriate action, the
5 actions of the two practically coincided.

6 THE COMMISSIONER: That is rather going
7 beyond your question. When you find the witness
8 doing so would you be good enough to stop him.

9 MR. T. OKAMOTO: This concludes my questions
10 on behalf of ITAGAKI.

11 THE COMMISSIONER: Are there other defense
12 counsel who desire to question on behalf of their
13 clients?

14 MR. T. OKAMOTO: At the present moment
15 I believe there are none, your Honor.

16 THE COMMISSIONER: Mr. Dunigan, I understand
17 you have some discomfort in standing at the moment.
18 That being so, if you desire to cross-examine in your
19 seat you may do so.

20 MR. DUNIGAN: Thank you very much.

21 THE COMMISSIONER: You may stand or sit at
22 your own choice.

23 MR. DUNIGAN: Do I understand that all
24 defense counsel have no questions, no further questions
25 at this time --

1 THE COMMISSIONER: That is as it has been
2 stated.

3 MR. DUNIGAN: --other than questions which
4 may arise on redirect, or whatever you want to call it?

5 THE COMMISSIONER: You heard the statement,
6 Mr. Dunigan. We will deal with that application when
7 it arises, if they make such application. (End reading)

8 MR. MATTICE: Mr. Dunigan of the prosecution
9 will read the cross-examination, if the Tribunal please.

10 THE PRESIDENT: Mr. Dunigan.

11 MR. DUNIGAN: (Reading)

12 Q General ISHIHARA, I shall try to frame my
13 questions so that you can give short answers.

14 Now, in 1928, in October, what was your rank?

15 A I was Lieutenant Colonel.

16 Q And in 1932 what was your rank?

17 A In August of that year I was promoted to
18 Colonel.

19 THE COMMISSIONER: In August of what year?

20 MR. DUNIGAN: 1932.

21 Q Now, you have told us that during the period
22 from October 1928 to 1932 you were in charge of
23 operational plans of the Kwantung Army, so that so
24 far as the Kwantung Army was concerned, any operation
25

1 it took you would know about it; is that true?

2 A As far as operations were concerned, I
3 knew about them.

4 Q Now, coming up to August, 1931, was ITAGAKI
5 connected with the Kwantung Army?

6 A He was a staff officer of the Kwantung
7 Army.

8 Q And would ITAGAKI likewise know of the
9 operational plans of the Kwantung Army?

10 A Yes.

11 Q So that so far as operations were concerned,
12 there wasn't much going on in the Kwantung Army that
13 you and ITAGAKI did not know about?

14 A Yes.

15 Q In fact, General, there wasn't much going
16 on in the Kwantung Army that you and ITAGAKI did not
17 know about?

18 A As far as operations and strategy were
19 concerned, I was aware of whatever was going on.

20 Q You have answered the question, General.
21 I will ask you other questions. You have answered
22 the question.

23 THE COMMISSIONER: Upon that the witness
24 must understand that he is required to answer
25 questions shortly, but if the short answer is not

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19 concerned, I was aware of whatever was going on.

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21 I will ask you other questions. You have answered
22 the question.

23 THE COMMISSIONER: Upon that the witness
24 must understand that he is required to answer
25 questions shortly, but if the short answer is not

1 complete and would create a false impression, he is
2 entitled to amplify after he has given a short
3 answer.

4 THE WITNESS: In answer to the prosecutor's
5 question I had merely stated the fact as regards
6 myself. I was just going on to state what the
7 facts were regarding ITAGAKI when the prosecutor
8 interrupted me.

9 THE COMMISSIONER: Yes. Will you please
10 go on.

11 Q Aside from the Kwantung Army, General, did
12 you have a fair idea of things in Tokyo so far as
13 the military was concerned?

14 A I knew hardly anything.

15 Q So far as you know, did ITAGAKI have a fair
16 idea of the situation in Tokyo as regards the military?

17 A Since ITAGAKI also never worked in -- never
18 held position for any long period of time in Tokyo
19 I do not think you can say that he was very conversant,
20 fully conversant, with everything that was going on
21 in Tokyo.

22 Q Well, did you, in your position as operational
23 officer, receive reports from time to time as to
24 the situation in Tokyo?

25 A In so far as they affected the duty of the

1 Kwantung Army I received such reports.

2 Q Did you, as operational officer of the
3 Kwantung Army, read your home papers from time to
4 time?

5 A I read them every day.

6 Q And did those newspapers carry accounts
7 from time to time as to Japan's military status?

8 A In principle the newspapers did not write
9 up anything about Japan's military preparations or
10 status.

11 Q Did the newspapers carry any reports in
12 connection with Japan's naval strength?

13 A As far as the navy was concerned, compared
14 with information regarding the army, the newspapers
15 carried more information.

16 Q And did you read the newspapers with respect
17 to that information?

18 A Yes.

19 Q So that taking all things into consideration,
20 General, you did have some idea as to Japan's position
21 in the world, both military and naval?

22 A I knew of this in my professional character
23 rather more than from what I was able to get from the
24 newspapers.

25 Q Well, I would rather have the professional

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1 character, General. What was Japan's position at
2 that time as a world naval power?

3 A At the time Japan was permitted to have
4 60 per cent of the capital ships possessed by
5 Great Britain and the United States, and approximately
6 70 per cent in auxiliary vessels.

7 Q In short then, Japan would be considered --
8 strike out "would be considered" -- In short then,
9 Japan was a great naval power; is that true?

10 A That goes without saying.

11 Q And likewise, it goes without saying that she
12 was a great military power. Is that true.

13 A I should say she was a middle class military power.

14 Q At any rate she was not totally lacking in
15 military power?

16 A I should say she was a middle class power as
17 far as the army strength went.

18 Q During 1931, you have told us that you from time
19 to time made a research study of the Chinese situation.

20 MR. DUNIGAN: Did he answer?

21 THE MONITOR: That wasn't a question but a
22 statement.

23 THE COMMISSIONER: That was merely a state-
24 ment. It was not a question.

25 MR. DUNIGAN: I thought I added something to it.

1 Q (Continuing) In those duties did you learn
2 anything about China's military might?

3 A Yes, I absorbed quite a deal of knowledge
4 regarding that.

5 Q Did you gain any information concerning
6 China's naval strength?

7 A It was very insignificant -- the navy --
8 China's naval strength.

9 Q General ISHIHARA, in your affidavit on
10 page one you said that the "Kuomintang influence
11 made a steady inroad on the north-eastern area,
12 instigating and organising anti-Japanese campaigns,"
13 and on page 13 of your affidavit you said, in substance,
14 that the Nanking government had no control over the
15 north-eastern army. Now, how can you reconcile
16 those two statements?

17 A I believe it is a question of degree. Until
18 the Kuomintang party entered Manchuria, Manchuria
19 was a semi-independent state. However, after the
20 Kuomintang party entered Manchuria, the liaison
21 between the party in Manchuria and in China itself
22 was strengthened and whenever Chang Hsui-liang found
23 it convenient to do so he acted in concert with the
24 central authorities. However, Chang Hsui-liang's
25 position in China is entirely -- was entirely different

1 from that of a subordinate in an ordinary country.
2 He had a semi-independent status.

3 Q General, I think you have answered the
4 question. Do you want to explain further?

5 A There is nothing more to add.

6 Q Now, you told us on page two of your
7 affidavit that Chang Hsui-liang was equipping his
8 army with tanks, planes and that an intensive training
9 was being provided. You also testified in answer
10 to counsel this morning that particularly with
11 respect to the situation around Mukden, that the army
12 was possessed of great spirit. How do you reconcile
13 that with your statement that the Nanking government
14 had no control over the north-eastern forces?

15 A I do not think there is any inconsistency
16 in those two statements; first, that Chang Hsui-
17 liang's army was strong, and second, that the Nanking
18 authorities had no control over that army.

19 Q Is it not true, General, that in one case
20 when it serves your purpose to say that the Nanking
21 government had no control you say it; is that a fact?

22 A I am not stating things in a certain light
23 when it serves my purpose and in another light to
24 serve another purpose. I am just stating the facts
25 objectively as I saw them myself, particularly in

1 regard to Chang Hsui-liang who enjoyed a semi-
2 independent status. He obeyed the Nanking government
3 when it served his purpose, but when he did not want
4 to do so, he did not.

5 Q But you told us on page two of your affidavit
6 that Chang Hsui-liang declared his allegiance to the
7 Nanking government. How do you reconcile that with
8 your last answer?

9 A I do not think much trust can be placed in
10 the declaration of allegiance by former military
11 war lords.

12 Q Is that your conception, General, of the
13 meaning of the word "allegiance"?

14 A That is the word used in China.

15 Q Well, did you have that conception in
16 September of 1931?

17 THE COMMISSIONER: Before that question is
18 answered; that conception at that time in respect of
19 what?

20 MR. DUNIGAN: The word "allegiance."

21 THE COMMISSIONER: Is that allegiance to
22 Tokyo, or the allegiance of the former war lord to the
23 Kuomintang? You must expand your question so that the
24 witness knows what he is answering, otherwise that
25 may be equivocal. Will you please explain the

1 question so that the witness will know precisely
2 what it is you are asking?

3 Q (Continuing) General, you said on page two
4 of your affidavit that Chang Hsui-liang had declared
5 his allegiance to the Nanking Government. I ask you
6 how do you reconcile that with your statement that
7 the Nanking Government had no control over the north-
8 eastern army?

9 Just a moment. I understood you to say that
10 Chang Hsui-liang -- that the word "allegiance" so
11 far as it pertained to him -- he used it -- strike
12 the whole thing out.

13 I understood you to say that he served the
14 central government when it served his purpose and he
15 did not serve when it served his purpose to be a war
16 lord. Was that your answer?

17 A Yes, that is so.

18 Q Well, in your opinion, did you think the
19 central government would have appointed Chang Hsui-
20 liang as Vice-Commander of the north-eastern army
21 if it doubted his allegiance?

22 A Even if they did doubt his allegiance, so
23 long as they were not able to unseat him by force, it
24 was the policy of the Chinese -- it has been the
25 policy of the Chinese to keep a -- to utilize -- to

1 overlook any seeming disloyalty. For instance,
2 Chiang Kai-shek does not certainly trust the Chinese
3 communist party, but at the present moment neither
4 does he completely reject cooperation with that party.

5 MR. DUNIGAN: Well, if your Honor please,
6 I move to strike out the last portion as being
7 entirely not responsive to the question.

8 THE COMMISSIONER: I do not need to hear
9 you upon it, Mr. OKAMOTO. I reject your application,
10 Mr. Dunigan. It seems to be reasonably explanatory
11 of his answer.

12 MR. T. OKAMOTO: I should just like to add
13 a word of explanation. The prosecutor's remark gave
14 the impression that Chang Hsui-liang had been appointed
15 Vice-Commander of the north-eastern armies, but, as
16 is written in the affidavit, he was appointed
17 Vice-Commander of the Kuomintang Army. I should
18 just like to clarify it.

19 THE COMMISSIONER: I must ask counsel not to
20 interpose observations of this sort. This is not the
21 time to do so. That may be done later when you are
22 addressing the Court in summation.

23 Will you please proceed with your questions,
24 Mr. Dunigan.

25 Q Now, you told us on page two of your affidavit

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1 that Chang Hsui-liang was appointed Vice-Commander
2 of the Kuomintang Army. Do you think that the central
3 government at Nanking doubted his allegiance in that
4 case?

5 A I believe that they did not place very much
6 confidence in his allegiance. However, that is only
7 my supposition.

8 Q General, on page two of your affidavit you
9 have stated that "Organized actions against or in
10 contempt of Japan were committed," and that that
11 organized action was under the leadership of the
12 north-eastern army. What did the Kwantung Army do
13 with respect to that organized action?

14 A They did not -- it did not take any special
15 steps.

16 Q Did it take any steps at all?

17 A It took no steps at all.

18 Q What did this organized action against Japan
19 consist of?

20 A For example, the Wanpaoshan Incident --

21 I should like to make a correction on my
22 previous statement. The army did not take any steps
23 in regard to such incidents, but, in regard to the
24 NAKAMURA Incident, the army itself directly conducted
25 an investigation of this affair, the Captain NAKAMURA

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1 Incident. All incidents between Chinese and
2 Japanese -- all negotiations regarding incidents
3 between Chinese and Japanese come under the province
4 of the Foreign Office. However, in regard to the
5 Captain NAKAMURA Incident, since NAKAMURA himself
6 was a military officer the army was forced to conduct
7 th investigation.

8 Having ended this correction I should like
9 to answer your question now.

10 Q General, I did not ask you anything about
11 NAKAMURA. If that is what you are saying I think you
12 have answered the question up to that point.

13 THE INTERPRETER: The witness' complete
14 answer is: Therefore, for example, the Wanpaoshan
15 Incident, the Captain NAKAMURA Incident -- Since you
16 asked me what kind of organized actions were taken
17 against Japan, I stated as an example, first, the
18 Wanpaoshan Incident and was then going on to the
19 NAKAMURA Incident.

20 A (Continuing) There was another incident
21 in which some Japanese woman who had gone to visit
22 the east Mausoleum to the east of Mukden, in a truck,
23 received great insults.

24 THE COMMISSIONER: Before the witness goes
25 further, I understood the question you asked as what

1 action the Japanese -- the Kwantung Army took
2 in respect of anti-Japanese conduct by the Chinese.

3 MR. DUNIGAN: That is right, sir.

4 THE COMMISSIONER: I think the witness has
5 misunderstood and he is dealing with other topics.

6 MR. DUNIGAN: That is why I interrupted
7 him and told him.

8 THE COMMISSIONER: I am disposed to agree
9 with you, Mr. Dunigan, that he has answered the question
10 and will you please proceed to your next. If I
11 should be at fault about that, then counsel for the
12 defense in redirect can elaborate on it.

13 MR. DUNIGAN: Yes, sir.

14 Q General, you said that with respect to this
15 organized action, the Kwantung Army took no action
16 at all; is that correct?

17 A Yes, except in the case of the NAKAMURA
18 Incident.

19 Q Now, did you personally -- did it personally
20 occur to you to get in touch with the diplomatic
21 section with respect to this organized action?

22 A We were in continual contact with the
23 Foreign Office. However, I understood your previous
24 question to be whether we took any steps, direct
25 steps, against the Chinese side, and that is why I

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answered as I did.

1 Q Was this organized action against Japan
2 reported to the diplomatic office?

3 A We contacted the Foreign Office on every
4 incident as far as -- which we ourselves were able
5 to find out about.

6 THE COMMISSIONER: I will now adjourn these
7 proceedings until 1:30. (End reading)

8 MR. DUNIGAN: Then there was a recess.
9 (Reading continued)

10 Q You told us before the noon recess that
11 with respect to this, organized actions against
12 Japan, it was reported to the central authorities
13 in Tokyo.

14 A There is a correction I would like to make
15 in connection with this statement.

16 THE COMMISSIONER: Yes, please do so.

17 Q All right; go ahead.

18 A The army did not contact the Foreign Office
19 directly on these questions, but through the
20 representative of the Foreign Office in Mukden.

21 Q What did the Foreign Office in Mukden
22 have to say about the matter?
23
24
25

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19 directly on these questions, but through the
20 representative of the Foreign Office in Mukden.

21 Q What did the Foreign Office in Mukden
22 have to say about the matter?
23
24
25

1 A In the light of our experience -- of the
2 experience we had with the Consulate-General in
3 Mukden after the Manchurian Incident, I do not think
4 the Consulate-General in Manchuria, the officials
5 of the Consulate-General in Manchuria, had a very
6 good feeling towards the army there.

7 Q I did not ask you, General, about after the
8 Manchurian Incident, I am asking you about before
9 the Manchurian Incident. Did you report back to the
10 Consul-General in Mukden?

11 A I believe you misunderstood me. We, that is
12 to say, the officers of the army found out after the
13 outbreak of the Manchurian Incident that the officials
14 of the Consulate-General had not been very sympathetic
15 with the army, did not have views in sympathy with us.

16 Q Prior to the Manchurian Incident, had the
17 Kwantung army made a demand for increased forces?

18 A We sent repeated requests to the central
19 army authorities in Tokyo, not only for reinforcements,
20 but also for a change in the positions of our forces --
21 in the dispositions of our forces.

22 Q What happened to that request?

23 A Very few of them were accepted.

24 Q Did you state the reasons for your demand
25 for increased forces?

1 A Yes, that goes without saying.

2 Q Now, on page three of your affidavit you
3 stated that "the relations between the two forces
4 was on the verge of explosion as if sitting on the
5 top of a volcano." Was this situation, General,
6 as you saw it, ever reported by you personally
7 to the central authorities in Tokyo?

8 A Not I myself, personally. The General Staff
9 of the Kwantung Army repeatedly made such reports.

10 Q Was that at about the time that you made
11 your demand for increased forces?

12 A The situation gradually became more tense.

13 Q But your request for increased forces was
14 denied; isn't that true?

15 A Yes, that is true.

16 Q Was that due to the fact that Tokyo did not
17 believe your reports?

18 A I do not think so.

19 Q When you saw that situation, General, as
20 regards sitting on the top of a volcano, did you
21 realize that an explosion might cause an international
22 incident of great consequence?

23 A I did not believe it would give rise to an
24 incident of world consequence, that would have --

25 Q All it did with respect to that situation

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4 was on the verge of explosion as if sitting on the
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22 incident of great consequence?

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24 incident of world consequence, that would have --

25 Q All it did with respect to that situation

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1 was to ask for an increase in your forces?

2 A Yes.

3 Q Now, on page four of your affidavit, you
4 have stated that the Chinese army was not one of
5 original objectives of operational preparations, and
6 you go on to state that you were afraid of the Soviet
7 encroachment on the Manchurian territory. At that
8 time, General, Manchuria was a part of China, was it
9 not?

10 A Yes, it was.

11 Q Had the Kwantung Army ever been assigned
12 the duty of defending Chinese territory against
13 another power?

14 A Yes.

15 Q Where did that assignment come from, if it
16 existed?

17 A Ever since the Russo-Japanese war it had
18 been a natural duty for Japan -- the defense of
19 Manchuria had been a natural duty for Japan.

20 Q I didn't ask you that question. I asked you
21 if the Kwantung Army had ever been assigned the duty
22 of defending Chinese territory against another power.

23 A The Kwantung Army, specifically the Kwantung
24 Army was assigned the duty of protecting -- of cover-
25 ing the advance of Japanese troops into Manchuria

1 should the Soviet troops invade Manchuria.

2 Q So that the Kwantung Army felt that it
3 would be in a much better position in the event of
4 war with Russia if it was already in possession
5 of Manchuria; is that what you mean?

6 A As a result of the Russo-Japanese war
7 Japan established the right of stationing troops
8 in Manchuria, and, therefore, if the Soviet troops --
9 if Russian troops should invade Manchuria the Japanese
10 troops were in a convenient position.

11 Q But after the Russo-Japanese war the only
12 right of Japanese troops in Manchuria was to guard
13 the railway; wasn't that the fact?

14 A Legally, the duty of the Kwantung Army was
15 to guard the railway line and to defend the Kwantung-
16 leased territory. But, I believe, in view of the
17 international situation prevailing at the time, the
18 whole world realized that if the Soviet troops should
19 invade Manchuria, Japan would attack those Soviet
20 troops.

21 Q So that, General, you felt you had rights
22 in Manchuria other than legal rights; is that true?

23 A I believe it had duties as well as rights.

24 Q Well, General, you have already stated
25 that your only legal right to be in Manchuria was to

1 guard the railway.

2 A The guarding of the railway line and the
3 defense of the Kwantung-leased territory.

4 Q So that your rights in Manchuria could
5 not legally embrace the right to defend it against
6 some third power?

7 A It was an unwritten right which Japan
8 possessed, similar to that which various powers of the
9 world held in third countries because of their
10 special rights and interests in those territories.

11 Q Well, in considering that Japan had those
12 rights did you take into consideration international
13 law?

14 THE COMMISSIONER: The gist of the question
15 is answered. Mr. Dunigan, is this not rather resolving
16 itself into a debate rather than eliciting of facts?

17 MR. DUNIGAN: I am trying to get the General
18 to answer the questions, your Honor.

19 THE COMMISSIONER: The questions are suggestive
20 of a debate with the witness rather than an eliciting
21 of facts.

22 MR. DUNIGAN: I will try to reframe the
23 question.

24 THE COMMISSIONER: Do, please.

25 Q Did you realize, General, that to occupy

1 any portion of Manchuria to defend Japan against
2 Russia might involve you in war with China?

3 THE COMMISSIONER: I do not think that
4 question may be answered because that is not a
5 matter of fact; that is clearly a matter of comment
6 which you can make at an appropriate time, but this
7 does not seem to be it.

8 MR. DUNIGAN: I withdraw the question.

9 Q You said on page four of your affidavit,
10 that central headquarters instructed you to execute
11 the duty even by force. Who issued those instructions?

12 A The Chief of the General Staff, acting on
13 orders from the Emperor.

14 Q And did those instructions come from the
15 War Minister?

16 A No.

17 Q When were those instructions given?

18 A That comes under the scope of operational
19 plans. In connection with operational plans, it was
20 customary to take into consideration that of the
21 previous year and not to take into consideration
22 any of the operational plans of the years previous
23 to that. So that when I became -- when I assumed
24 charge of operations in 1928, I was told of the plans
25 for the previous year and for 1928. That is as far as

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1 I know.

2 Q You have answered the question, I believe.

3 A Not yet. I received no reports on operational
4 plans previous to 1927. However, from 1927 plans
5 against -- operational plans against China began
6 to be considered. I heard that until two or three
7 years before that, no operational plans against
8 China had been conceived of at all. But that is
9 something which I heard by hearsay, from others. That
10 operational plan is this order.

11 Q Well, did this order say that in the event
12 you had to use force, that you should apply for
13 approval of it at that time to the central authorities?

14 A It was not written, but that was a matter
15 that was taken for granted. Whenever action against
16 a third power is taken it must taken after receiving
17 the Imperial Sanction.

18 Q In any event, those instructions did not give
19 the Kwantung Army the right to use force on the
20 slightest provocation?

21 A The order was not to use force against force.
22 It was an order from the central military authorities
23 to prepare for such an eventuality. It was to prepare;
24 it was an order to prepare for something that might
25 happen.

1 Q On page four of your affidavit, you have
2 stated that the Kwantung Army was ill-equipped and
3 outnumbered, as well as encircled, and that to con-
4 centrate all your strength in Mukden to "deal a fatal
5 blow to the military centre of Mukden;" so, is it
6 true that your army, so pitifully equipped as you
7 have described, was able to deal a fatal blow to
8 the enemy?

9 A Because of this ill-equipment our one and
10 only chance was to concentrate all our forces against
11 Mukden and to -- on the theory "Nothing ventured,
12 nothing gained." Since we had our requests for
13 reinforcements had been rejected this was about the
14 only course we could possibly take, and, as far as
15 our army went, I had believed that even if an army
16 should be outnumbered numerically, if intensive
17 training is carried out, if that army has a strong
18 unity, and if its strategy is well planned, it has
19 nothing to fear. For instance, in the recent Pacific
20 war the Japanese forces were far inferior to the
21 American forces, but I believe that if its strategy
22 had been well planned and well carried out, it might
23 not have suffered the defeat it did.

24 Q General, on page four of your affidavit,
25 you have stated "Under such circumstances the Kwantung

1 Army established an operational plan to settle
2 whatever incident might happen" -- I should have
3 said the bottom of page four -- and you go on to say
4 "preparations regarding education, training,
5 transportation."

6 Now, was this warlike preparation reported
7 to the central authorities?

8 A Yes.

9 Q Was this warlike preparation known to the
10 Japanese consuls in China?

11 A In principle they were not told.

12 Q Why not?

13 A Since plans of strategy require the utmost
14 secrecy they were divulged only to a very limited
15 number of persons.

16 Q Didn't you feel that your own Consul had the
17 right to know about what was going on in Manchuria
18 at that time?

19 A All the Consuls need to know is that in case
20 an incident should break out the army was always in
21 a state of -- would be prepared to meet any such
22 eventuality, and how and in what manner the army would
23 meet such an eventuality was a question of strategy
24 which the Consuls did not need to know, and which,
25 if divulged to them, would be one of the greatest

sources for leakage of military secrets.

1 Q Isn't it a fact, General, that your failure
2 to report to the Consul was due to the fact that he
3 was conducting friendly negotiations with China
4 at that moment?

5 A I neither forgot to mention this -- we
6 neither -- it was neither because of forgetfulness
7 on our part or negligence that we did not tell the
8 Consul-General. It is a matter that should not be
9 told.

10 Q Isn't your failure to report to the Consul
11 due to the fact that the Kwantung Army felt that it
12 should decide whether or not diplomatic relations
13 had failed or not?

14 A That is not so. Strategic plans were to --
15 the question of to whom we could divulge strategic
16 plans is a matter decided by military law and
17 Consuls do not come under that category. If we had
18 divulged this matter to the Consul we would subject
19 to discipline under military law.

20 Q Well, isn't it a fact that in September of
21 1931, your Consul at Mukden was conducting friendly
22 negotiations in an attempt to settle the NAKAMURA
23 Case? That can be answered "yes" or "no."

24 A Yes.

1 Q And isn't it also a fact that while he was
2 friendly negotiating all these war plans were going
3 on?

4 A That goes without saying, but that had nothing
5 to do with the Captain NAKAMURA Case at all. Whenever,
6 especially in the case -- in a case where an army is
7 stationed in a third country, it is a question of
8 strategy to always be prepared for the worst, and,
9 in any such eventuality coming to pass, to be able to
10 do one's best.

11 May I say one word. I have a feeling that
12 the English translation -- the translation into
13 English is giving the prosecutor a mistaken impression
14 of my ideas. For instance, in regard to my statement
15 that "The two forces were on the verge of an explosion
16 as if sitting on the top of a volcano." This has
17 nothing to do with the Captain NAKAMURA Incident.
18 It was a situation that had lasted for quite a long
19 time previous to any such incident.

20 Q I did not contend, General, or state that
21 your sitting on top of a volcano did have anything
22 to do with the NAKAMURA Case.

23 THE COMMISSIONER: I think this is developing
24 still further into debate. Please ask specific
25 questions.

1 Q Were all of these plans, warlike plans
2 that you have just discussed, known to the Chinese?

3 A I believe that they were not known to the
4 Chinese side. Some may have been exposed to them.

5 Q Do you know if at that time the Chinese
6 army was likewise preparing?

7 A I think that the Chinese forces were always
8 most earnestly preparing for war. I think you can
9 understand that fact also from what I said in regard
10 to my visit to Wang Iche's quarters during the course
11 of the morning session.

12 Q In these operational plans that you discussed
13 this morning, how long did it take to occupy all the
14 Manchurian railroad towns -- a week?

15 A We thought that if we could but take Mukden
16 one crisis at least would pass.

17 Q General, you misunderstood the question. I
18 asked you in the operational plans that you had all
19 along from 1928 on down, how long did it take in those
20 plans to occupy the town?

21 THE COMMISSIONER: That question was put.
22 We must hear the last of the witness' reply.

23 A We did not consider occupying the whole of
24 the towns along the railway line at all.

25 THE COMMISSIONER: Now counsel's next question

may be put.

1 Q How long did it take you to occupy all the
2 towns after September 18, 1931?

3 A That would depend on circumstances and it
4 is impossible to predict -- to make predictions.

5 Q As a matter of fact, didn't you occupy
6 all the towns in 48 hours?

7 A The only towns we occupied by force were
8 Mukden, Yinkow and Changchun.

9 Q General, at the bottom of page five of your
10 affidavit, you stated that you did not expect any
11 reinforcements from central military authorities.
12 Was that expectation due to the fact that Tokyo
13 did not want any hostilities?

14 A Neither the central army authorities nor
15 the Kwantung Army wanted a settlement of the out-
16 standing questions by a resort to arms.

17 MR. DUNIGAN: I didn't understand that.

18 (Whereupon, the last answer was
19 read by the official court reporter.)
20

21 Q Well, could the refusal of the central
22 authorities to give you reinforcements be due to the
23 fact that they did not think you needed any?

24 A That is not so.

25 Q Now, at the bottom of page five of your

1 affidavit -- strike that out, please.

2 General, you have testified in your affidavit
3 that two heavy guns were mounted at Mukden as well
4 as wall-attack material. Now, you have also stated
5 that the only legal duty of the Kwantung Army was
6 to guard the Manchurian Railway. Do you know whether
7 or not, at the time when these guns were installed,
8 the Government of Japan and the Government of China
9 were conducting friendly negotiations?

10 A Yes, they were conducting peaceful negotiations.

11 Q Now, was the installation of these heavy guns
12 a military secret?

13 A We tried to carry it out as secretly as
14 possible, although, of course, we were not successful
15 in keeping it a secret.

16 Q Who found out about it?

17 A I do not know. Are you referring to the
18 Chinese side?

19 Q You said, General, that some people found
20 out about it. I want to know who they were, if you
21 know.

22 A I do not know who found out, but we know that
23 somebody did find out because immediately after these
24 two guns had been placed, the Chinese side posted
25 gendarmes right outside this particular spot.

1 Q Were the installation of these heavy guns
2 reported to the central authorities in Tokyo?

3 A I believe that naturally it was reported.
4 However, I have no definite recollection on this
5 point.

6 Q If it was reported, General, who in the
7 Kwantung Army would be charged with responsibility
8 of reporting?

9 A I am responsible. I am the one that is
10 responsible for such matters.

11 Q Well, did you, in fact, report it then?

12 A I have no definite recollection on this
13 point.

14 Q What is your best recollection on it; that
15 you did or did not?

16 A What I do not remember I cannot remember no
17 matter how much effort I may make.

18 Q Who ordered the installation of these heavy
19 guns?

20 A From the Commander-in-Chief of the Kwantung
21 Army.

22 Q And who was that at that time?

23 A General HISHIKARI.

24 Q Did you talk to anyone about the installation
25 of these guns?

1 A I talked to all those who had to do with
2 the actual moving of the guns. Otherwise, they could
3 not be moved. But I tried to keep the number limited
4 to the minimum.

5 Q Was ITAGAKI one of those that you talked to?

6 A It goes without saying that he knew of this.

7 Q At the time these heavy guns were installed
8 what was the status of the diplomatic relations
9 between Japan and China, if you know?

10 A The diplomatic situation was very tense.

11 Q Who told you that?

12 A Even if nobody told me I could tell just
13 from reading the newspapers.

14 Q Did you discuss the tense diplomatic situation
15 with anyone in the Kwantung Army?

16 A I believe I did discuss it with my fellow
17 officers at mess and on similar occasions, but
18 I do not remember exactly what was said.

19 Q Did you discuss it with ITAGAKI?

20 A As far as the mounting of the two heavy
21 guns was concerned that was a matter that had been
22 decided back in 1929 before Colonel ITAGAKI came.

23 Q Just a moment. General, I asked you a simple
24 question; did you discuss the tense diplomatic
25 situation with ITAGAKI at the time of the installation

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1 of the heavy guns? Now, that can be answered very
2 easily.

3 A Since it is a -- since we are talking about
4 things that happened several -- more than ten years
5 ago, I cannot say for sure, but let's say "yes."

6 Q Did you discuss it with your Consul at
7 Mukden?

8 A No.

9 Q Why not?

10 THE COMMISSIONER: Just before the witness
11 goes on; that matter has been somewhat elaborately
12 discussed a little while ago as to why the officers
13 of the Kwantung Army did not discuss matters of that
14 sort with the Consul at Mukden. Hasn't there been
15 enough for your real purpose elicited upon that?

16 MR. DUNIGAN: I think there has, your Honor.
17 I was just going to close with this question.

18 THE COMMISSIONER: Very well.

19 A It was not my duty to contact officials of
20 the Consulate-General. That was Colonel ITAGAKI's
21 duty.

22 Q Do you know if ITAGAKI discussed it with the
23 Consul at Mukden?

24 A I do not know.

25 Q Now, on page six of your affidavit, you have

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1 testified that Colonel KAWAMOTO "was obliged to be
2 transferred following the death of Chang Tso-lin
3 by bombing." Why was KAWAMOTO obliged to be trans-
4 ferred?

5 A He was replaced under the suspicion that he
6 had something to do with the bombing of Chang Tso-lin --

7 Q Very well.

8 A -- that he may have had something to do with
9 it.

10 Q General ISHIHARA, on page six of your
11 affidavit, you state "The chief of the Mukden Special
12 Service Organ was Colonel DOHIHARA." Did you know
13 DOHIHARA well?

14 A I was more or less acquainted with him.

15 Q What was the function of the Special Service
16 Organ?

17 A The collection of information and liaison
18 with the Chinese forces -- with the Chinese army and
19 government officials. Its duties were very vague and
20 cannot be defined clearly. We ourselves did not look
21 with great favor on the existence of the Special
22 Service Organ, but because politics in China was
23 conducted mostly by military -- by generals and
24 military men, the Chinese side began to desire some
25 means of contact with the Japanese army other than

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1 through ordinary diplomatic channels and it was in
2 this fashion that the Special Service Organ came
3 into being. It was something that just grew up
4 naturally as a result of the special circumstances
5 prevailing in China.

6 Q Was one of the functions of the Special
7 Service Organ espionage?

8 A It was not one of its original duties. Such
9 espionage was not one of its clearly defined duties.

10 Q Was espionage one of its duties when Colonel
11 DOHIHARA was the chief of it?

12 A Its mission was to collect information
13 in as many ways as it could. I do not know definitely
14 exactly what methods it employed. I believe it conducted
15 activities similar to what the attaches of the various --
16 military attaches of the various countries usually
17 do.

18 Q Well, in any event, General, the Special
19 Service Organ at Mukden was a part of the Kwantung
20 Army; isn't that true?

21 A Yes.

22 Q And it came under the control of the Kwantung
23 Army?

24 A Yes, it was.

25 Q Now, later did the Kwantung Army create

1 another special service department?

2 A Yes, it did.

3 Q What was the difference between the
4 Special Service Organ and the Special Service
5 Department?

6 A The duty of the Special Service Department
7 was to set up plans by which Japan would guide
8 Manchuria. This was after the establishment of
9 Manchoukuo, and its duties were entirely different
10 than those of the old Special Service Organ.

11 Q Now, in the middle of page seven in your
12 affidavit, you state that "in view of the anti-
13 Japanese atmosphere in China --" Was it DOHIHARA
14 who reported that to you or to the Kwantung Army?

15 MR. WARREN: If the Commissioner please --

16 A No, that is not so.

17 MR. WARREN: I am going to make an objection.
18 The witness already answered.

19 THE COMMISSIONER: Continue, please.

20 Q And on page seven you go on to state that
21 "in the face of the failure of various diplomatic
22 negotiations --" What did you mean by the failure
23 of various diplomatic negotiations?

24 A The Wanpaoshan Incident, the Captain NAKAMURA
25 Incident, etc.

1 Q Had you been advised by anyone that the
2 diplomatic negotiations had failed?

3 A The newspapers were always full of reports
4 to that effect.

5 Q Did you inquire of the person who was most
6 likely to know as to whether they had failed or not?

7 A I heard from the staff officer of the
8 Kwantung Army in charge of such matters.

9 Q And who was that?

10 A At that time it was namely Captain ARAI --
11 a staff officer by the name of Captain ARAI.

12 Q Did you talk to ITAGAKI about that?

13 A Yes I did, of course.

14 Q So that the Kwantung Army took it upon itself
15 to decide whether the negotiations had failed; is that
16 what you are trying to tell us?

17 A That is not so.

18 Q Did you ask the consular officials then
19 as to whether or not they had failed?

20 A I did not.

21 Q Do you know if any other person in a responsible
22 position in the Kwantung Army did?

23 A I do not remember, but it was not only the
24 Captain NAKAMURA Case or the Wanpaoshan Incident. At
25 that time there were 300 unsettled incidents piling

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1 up in the Consular Office at Mukden; unsettled
2 incidents between the Japanese and the Chinese.

3 Q Did you ask the central authorities in
4 Tokyo as to whether or not the diplomatic negotia-
5 tions had failed?

6 MR. WARREN: Your Honor, we would like to
7 object to this line of questions for the reason that
8 the Lytton Report has been introduced and covers
9 this thing entirely. We are not listening to
10 anything new.

11 A No.

12 MR. WARREN (Continuing): It certainly
13 does not test the credibility of this witness.

14 MR. DUNIGAN: If your Honor please, the
15 purpose of this examination: This man himself has
16 testified that in the face of the failure of
17 diplomatic negotiations; and I want to find out what
18 he knows about the source of his information and I
19 think the question is proper.

20 THE COMMISSIONER: I do not think the cross-
21 examination is improper on any grounds raised to by
22 the defense and it may continue.

23 MR. DUNIGAN: Did he answer the last question?

24 THE INTERPRETER: The witness answered "I
25 did not."

1 MR. DUNIGAN: "I did not."?

2 THE INTERPRETER: Yes.

3 BY MR. DUNIGAN (Continued):

4 Q Do you know if ITAGAKI consulted the central
5 authorities as to the failure of the diplomatic
6 negotiations?

7 A I do believe that when he went to Tokyo
8 on business he did hear of it in the course of that
9 business -- in that visit.

10 Q Did he tell you that?

11 A I do not remember exactly.

12 Q Is it not a fact, General, that all that you
13 personally know about the failure of the diplomatic
14 negotiations is what you and the Kwantung Army talked
15 over?

16 A It was something that all Japanese knew as
17 a matter of common sense. It was not only the officers,
18 the senior officers of the Kwantung Army, it was
19 practically all the Japanese people who felt that.

20 Q In any event, General, you were not advised
21 by those persons responsible for diplomatic negotiations
22 if they had failed?

23 THE COMMISSIONER: That question need not
24 be answered. The witness has said, with a great deal
25 of detail, precisely how much he knew and where he

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1 got his information. I don't think the matter can
2 be taken further by your general observation.

3 This is a convenient time to adjourn. We
4 will adjourn now for fifteen minutes.

5 (End of reading)

6 THE PRESIDENT: This is a convenient time
7 to recess also.

8 We will adjourn for fifteen minutes.

9 (Whereupon, at 1045, a recess was taken
10 until 1100, after which the proceedings were
11 resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Dunigan.

4 I have already called on you but you apparently
5 never hear me. Not you alone, but others.

6 MR. DUNIGAN: (Reading continued:)

7 Q You have testified on page seven of your
8 affidavit that "in spite of our conciliatory attitude
9 the whole army entertained the idea that an armed
10 conflict was inevitable." What do you mean, General,
11 when you say "conciliatory"?

12 A We believe that the Foreign Office authorities
13 in Japan were trying to make every concession so that
14 the outstanding questions between Japan and China
15 could be settled by diplomatic means.

16 Q What do you mean then when you say that "the
17 whole army entertained the idea that an armed conflict
18 was inevitable"?

19 A Because the Chinese army was taking an increas-
20 ingly positive attitude against the Japanese, we believed
21 -- we were afraid that in the end the Chinese side would
22 start some action against -- armed action against us.
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1 When I said an armed conflict was inevitable, I
2 did not mean by that we thought that the Kwantung
3 Army would start an action. We thought that the
4 Chinese army, which had been taking an increasingly
5 strong and threatening attitude towards the Japanese,
6 would, in the end, take action which would force
7 the Japanese to act.

8 This may be my understanding, but I have a
9 feeling that the prosecutor feels that when the
10 words "armed conflict" are used he is under the
11 impression that they mean the Japanese Army would
12 start an armed conflict. That was not my meaning.
13 As far as the Kwantung Army was concerned, we had
14 the previous incident concerning Colonel KAWANOTO,
15 in which he was punished and the Commander-in-Chief
16 of the Kwantung Army at that time was dismissed.
17 Therefore, the respective -- the various commanders
18 of the Kwantung Army since that time were -- took
19 great pains regarding this matter and tried to insure
20 that the Kwantung Army would not start any action
21 from its side. However, if the Chinese should start
22 some action, they always told the men that we were
23 to reply at once.

24 Q Well, when you said "the whole army" you meant
25 the Kwantung Army, didn't you?

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1 A Yes.

2 Q And the Kwantung Army believed that an
3 armed conflict was inevitable in the face of what
4 you have said, that the Foreign Office was adopting
5 a conciliatory attitude.

6 A Yes.

7 May I say a word? Diplomatic negotiations
8 should always be conducted in a conciliatory attitude.
9 However, as far as we military men were concerned, it
10 is our duty to see that if the worst should come to
11 the -- things should come to the worst, we should be
12 prepared for any eventuality. That is our duty as
13 military men.

14 Q Now, when you installed these heavy guns at
15 Mukden, did you believe that the Kwantung Army was
16 adopting a conciliatory attitude?

17 THE COMMISSIONER: That question need not
18 be answered. That is entirely a matter of comment,
19 not a question.

20 Q Did ITAGAKI believe that an armed conflict
21 was inevitable?

22 A We did not believe that an armed conflict
23 was absolutely inevitable. We never gave up hope that
24 a settlement could be found until the last minute.
25 However, we believed that the possibility of an armed

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1 conflict was extremely likely.

2 Q Well, General, that is not what you have
3 testified to. You have testified in your affidavit
4 that the whole army, including the staff and the men
5 believed that an armed conflict was inevitable.

6 THE COMMISSIONER: Again the witness need
7 not concern himself with it. The language in the
8 translation is that they entertained the idea, and
9 that seems to be what the witness is now repeating.

10 Q I will reframe the question this way: Did
11 ITAGAKI entertain the idea that an armed conflict
12 was inevitable?

13 A I believe he did entertain such an idea.

14 Q And did DOHIHARA entertain such an idea?

15 A At the time of the outbreak of the Manchurian
16 Incident, DOHIHARA had only been at his post for a
17 few -- for a very short time. Therefore, although
18 he was extremely anxious about the situation, I do
19 not believe he was as fully aware of the actual situation
20 in Manchuria as we were; as ITAGAKI or myself. My
21 own impression is that because DOHIHARA was very
22 fluent in Chinese and among Japanese army officers
23 was one that was considered an expert on Chinese
24 affairs, his role in the Manchurian Incident was
25 overrated by the public at large despite the fact

1 that he had played a fairly insignificant role,
2 having only arrived at his post a short time before
3 the outbreak of that incident.

4 Q Wasn't DOHIHARA one of the staff officers
5 of the Kwantung Army?

6 A He was not a staff officer. He was head
7 of the Special Service Organ.

8 Q Was the fact that "the whole army, its
9 commander, staff officers, force commanders, officers
10 and men entertained the idea that an armed conflict
11 was inevitable" ever reported to the central
12 authorities in Tokyo? You can answer that, General,
13 "yes" or "no," if you know.

14 A Yes.

15 Q Do you know who reported it?

16 A ITAGAKI and all other officers of the Kwantung
17 Army who went to Tokyo on business reported this to
18 their superiors there.

19 Q And would their superiors have been those
20 in the War Ministry?

21 A I believe they made special efforts to report
22 this to the War Minister.

23 Q And the War Minister at that time was
24 MINAMI?

25 A Yes, it was General MINAMI.

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1 Q Do you know if this idea entertained by the
2 whole army was every reported to the Japanese Consul?

3 A Since I was not in charge of this -- such
4 matters -- I do not know. I believe that repeated
5 reports to this effect were conveyed to them.

6 Q And would that have been your Consul at
7 Mukden?

8 A Yes.

9 Q What was the name of the Consul at Mukden
10 at that time?

11 A He was HAYASHI, somebody or other. HAYASHI,
12 Kyujiro.

13 Q General, when you say that "the whole army,
14 including its commander, staff officers, force-
15 commander, officers and men entertained the idea,"
16 how do you account for the enlisted men independently
17 arriving at such an idea?

18 A I do believe so. I believe that especially
19 the enlisted men who were the ~~ones~~ that actually
20 participated in guard duty were keenly aware of that
21 situation.

22 Q Were there any instructions given to your
23 officers and men concerning that idea?

24 Well, I will reframe the question, General,
25 perhaps you can understand it better.

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1 Were your men cautioned in their behavior
2 by reason of their entertaining such an idea?

3 A Yes, they were.

4 Q Was the fact that the whole army entertained
5 such an idea the basis of your previous testimony
6 that the relations between the two forces was such as to
7 be sitting on top of a volcano?

8 A Yes.

9 Q Did you ever hear ITAGAKI discuss this idea
10 with any of the other officers in the Kwantung Army?

11 A I do not know.

12 Q Did he ever discuss it with you?

13 A Every time I met him he would continually
14 tell me of his great anxiety in this respect and wish
15 that something could be done about it -- and his
16 wish that something could be done about it.

17 Q You have stated on page seven of your
18 affidavit that "Colonel ITAGAKI, in particular as
19 the senior staff-officer, had a perfect control over
20 the headquarters' staff officers." Did he also have
21 what you describe as "perfect control" over the enlisted
22 men of the army?

23 A He could not have any control over enlisted
24 men outside of the headquarters.

25 Q General, you have testified on page six as

1 to certain officers of the Kwantung Army at the out-
2 break of the Manchurian Incident, and you have set
3 forth in that testimony the names of certain officers
4 and you continued to testify on page seven of your
5 affidavit that none of the officers named had any
6 connection with the so-called March Incident. Do
7 you know who was connected with the March Incident?

8 A Rumors at the time said they were such
9 people -- such principal figures in the War Ministry
10 as General KOISO, General UGAKI, General Tetsuzan
11 NAGATA and other officers in the War Ministry -- many
12 other officers.

13 Q How do you know, General, that none of the
14 officers you named on page six of your testimony were
15 not connected with the incident; did they tell you?

16 A I could tell that. I could tell that
17 from my own experience living in Manchuria.

18 Q Was HASHIMOTO connected with the March
19 Incident?

20 A I do not know.

21 Q Did your experience in Manchuria, as you
22 have just related, enable you to know the persons
23 connected with the March Incident?

24 A There were none in Manchuria.

25 Q I understood you to testify just a moment

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1 ago that from your experience you could tell that
2 none of the officers mentioned on page six of your
3 testimony were connected with the March Incident.

4 A Yes.

5 Q Would that experience enable you to ascertain
6 all of the members -- all of the persons connected
7 with the March Incident?

8 A I can say that these people were not --
9 had no connection with the March Incident because I
10 knew them well.

11 Q You also have testified that persons you
12 named on page six of your testimony were not members
13 of the Sakura-kai (Cherry Association).

14 A They were not members. None of them were
15 members of the Sakura-kai.

16 Q Do you know who were members of the Sakura
17 (Cherry Association)?

18 A It seems there were such people as HA-SHIMOTO,
19 Kingoro, CHO, Isamu, and several others. However,
20 I really do not know. In Manchuria neither the
21 March Incident nor the Sakura-kai ever became a topic
22 of discussion -- even became a topic of discussion.

23 Q General, at the bottom of page seven, or
24 near the bottom, you have testified "All the units
25 did their best day and night in training and execution

1 of their guard duties."

2 A Yes.

3 Q Did the 2nd Battalion of the Mukden
4 Independent Garrison, which had the two heavy guns
5 mounted, also attend to their guard duties day and
6 night?

7 A Yes.

8 Q And was such training as you have described,
9 conducted in the firm belief that an armed conflict
10 was inevitable?

11 A Yes.

12 Q Now, at the bottom of page seven of your
13 affidavit, you testified that "General SHIRAKAWA
14 came to Manchuria to appease the Army." Was SHIRAKAWA
15 from the central authorities in Tokyo?

16 A Yes.

17 Q You have also testified at the bottom of page
18 seven that "Telegrams in violent tones were received"
19 prior to SHIRAKAWA's arrival in Manchuria. Do you
20 mean that SHIRAKAWA came to Manchuria because the
21 army entertained the idea that an armed conflict was
22 inevitable?

23 A General SHIRAKAWA came to Manchuria after
24 the outbreak of the Manchurian Incident, and he came
25 because the perpetrators of the October Incident

1 spread rumors to the effect that the Kwantung Army
2 was carrying out -- was carrying on very disturbing
3 activities and he came to appease the army.

4 Q Did SHIRAKAWA come to Manchuria because the
5 idea that an armed conflict was inevitable had never
6 in fact been reported to Tokyo?

7 A That is not so. As I have already said,
8 General SHIRAKAWA came to Manchuria -- was sent to
9 Manchuria after the outbreak of the Manchurian Incident.
10 There is no question of inevitability.

11 Q Now, at the top of page eight of your
12 testimony, in the affidavit, you state "there were
13 some civilians in the South Manchurian Railway and
14 other circles, who had various opinions on the
15 Manchurian problems." Who were the civilians that
16 you mentioned there?

17 A For example, one of the biggest organizations
18 of this nature was called the Manchuria Youth Association.

19 THE INTERPRETER: "League" instead of
20 "Association."

21 Q Was OKAWA one of the civilians that you
22 referred to in that testimony?

23 A Dr. OKAWA was in Japan and he was not in
24 Manchuria.

25 Q You mentioned there that there were some

1 spread rumors to the effect that the Kwantung Army
2 was carrying out -- was carrying on very disturbing
3 activities and he came to appease the army.

4 Q Did SHIRAKAWA come to Manchuria because the
5 idea that an armed conflict was inevitable had never
6 in fact been reported to Tokyo?

7 A That is not so. As I have already said,
8 General SHIRAKAWA came to Manchuria -- was sent to
9 Manchuria after the outbreak of the Manchurian Incident.
10 There is no question of inevitability.

11 Q Now, at the top of page eight of your
12 testimony, in the affidavit, you state "there were
13 some civilians in the South Manchurian Railway and
14 other circles, who had various opinions on the
15 Manchurian problems." Who were the civilians that
16 you mentioned there?

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18 of this nature was called the Manchuria Youth Association.

19 THE INTERPRETER: "League" instead of
20 "Association."

21 Q Was OKAWA one of the civilians that you
22 referred to in that testimony?

23 A Dr. OKAWA was in Japan and he was not in
24 Manchuria.

25 Q You mentioned there that there were some

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1 civilians in the South Manchurian Railway and other
2 circles." What circles did you refer to in that
3 testimony?

4 A By "civilians" I mean ordinary civilians.

5 Q I didn't ask you that, General. I asked
6 you when you said "civilians and other circles" what
7 you meant by the words "other circles"?

8 A What I meant was civilians in the South
9 Manchurian Railway and civilians outside of the South
10 Manchurian Railway -- other civilians who were not
11 connected with the South Manchurian Railway. For
12 instance, the Manchuria Youth League, which I mentioned
13 before, was composed of employees of the South Man-
14 churian Railway and of civilians who were not connected
15 with the South Manchurian Railway.

16 Q Did you also mean secret societies in Japan
17 itself?

18 A No, I meant only organizations which were
19 in Manchuria.

20 Q When you said "civilians and other circles"
21 did you also mean army officers in Japan?

22 THE COMMISSIONER: Just a moment. From the
23 way that is put I think you misread the paragraph. He
24 says there were civilians in the South Manchurian
25 Railway and other circles.

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21 did you also mean army officers in Japan?

22 THE COMMISSIONER: Just a moment. From the
23 way that is put I think you misread the paragraph. He
24 says there were civilians in the South Manchurian
25 Railway and other circles.

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1 MR. DUNIGAN: I understand that.

2 THE COMMISSIONER: He is limiting it
3 exclusively to civilians in two categories; those
4 in the railway and those in other circles, so the
5 language does not --

6 MR. DUNIGAN: I have read it. I withdraw
7 the question. I interpreted it to mean "other circles";
8 it means any other circles other than the South
9 Manchurian Railway. I will withdraw the question if
10 that is the Court's interpretation.

11 THE COMMISSIONER: It does so appear in
12 the language and the witness expressly explained it
13 that way too.

14 MR. DUNIGAN: I withdraw the question.

15 BY MR. DUNIGAN (Continued):

16 Q When you spoke of these civilians in the
17 South Manchurian Railway, do you know whether or not
18 those civilians entertained the idea that an armed
19 conflict was inevitable?

20 A The 200,000 Japanese residents in Manchuria
21 were those who most keenly felt the inevitability
22 of this armed conflict and were greatly -- were in
23 a state of great excitement about it. For instance,
24 concerning the Captain NAKAMURA Incident, the army took
25 an extremely cool attitude. But the residents at

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1 large; some of them went to Japan and gave lectures
2 and others conducted other activities and on the whole
3 were in a state of great excitement.

4 Q General ISHIHARA, who in the Kwantung Army
5 was in charge of this Special Service Organ?

6 A Do you mean among the staff officers of the
7 Kwantung Army.

8 Q I meant just what the question said, General.

9 A The Chief of the Special Service Organ is
10 under the direct jurisdiction of the Commander-in-Chief.
11 Colonel ITAGAKI was the one among the staff officers
12 who was in charge of this Organ.

13 Q General, you testify at the top of page nine,
14 you were referring to the outbreak of the Manchurian
15 Incident, that "At about 0:28 a.m. we received the
16 second telegram from the Mukden Special Service
17 Organ." Who sent that telegram?

18 A It was a telegram from the Mukden Special
19 Service Organ.

20 Q Did you see the telegram?

21 A I saw the decoded telegram.

22 Q Did you talk to ITAGAKI about that telegram?

23 A ITAGAKI was then in Mukden and I had no
24 opportunity to talk to him about it.

25 Q Was DOHIHARA directly under ITAGAKI in so far

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2 and others conducted other activities and on the whole
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19 Service Organ.

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23 A ITAGAKI was then in Mukden and I had no
24 opportunity to talk to him about it.

25 Q Was DOHIHARA directly under ITAGAKI in so far

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1 as the Special Service Organ was concerned?

2 A As I said before, General DOHIHARA was the
3 head of the Special Service Organ and was under the
4 direct control of the Commander-in-Chief.

5 Q Wasn't he associated with ITAGAKI in the
6 work of that Special Service Organ?

7 A DOHIHARA was then away on business in
8 Tokyo. As I said before, DOHIHARA was appointed
9 Chief of the Special Service Organ towards the end
10 of August, and already in September was back in Tokyo
11 on business. So he had nothing -- he did not play
12 a very important role at the time of the outbreak
13 of this incident.

14 Q Was he in Tokyo on the night when the
15 telegram was sent?

16 A Yes.

17 Q Now, you have testified in your affidavit
18 that the Chinese army exploded the Manchurian Railway.
19 Did you personally make any investigation as to the
20 extent of the damage caused in that explosion? Now
21 that question, General, can be answered "yes" or "no."
22 I asked you if you personally did.

23 A I cannot answer "yes" or "no" to the question
24 of the extent of the damage.

25 Q That was not the question. The question was

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1 did you personally make any investigation as to the
2 extent of the damage?

3 A No.

4 Q Do you know if ITAGAKI personally made any
5 investigation as to the extent of the damage?

6 A I do not know. I don't believe he had time.

7 Q You answered the question, General. Do
8 you mean, General, that ITAGAKI was too busy ordering
9 attacks at that moment?

10 A He did not have the power to issue orders.
11 However, I think he was unable to leave the office
12 of the Special Service Organ because that was the
13 position in which it was most convenient to contact
14 the headquarters of the Kwantung Army and to maintain
15 their contact with the headquarters.

16 Q You testified this morning in answer to questions
17 by Mr. OKAMOTO that Commander HONJO was a man of
18 moderate temperament. Was ITAGAKI a man of moderate
19 temperament?

20 A He is a man of a very moderate temperament.

21 Q You also testified this morning in answer
22 to questions by Mr. OKAMOTO that ITAGAKI was entitled
23 to give orders, entitled to give instructions.

24 A I did not say so.

25 Q At that point you were discussing General

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1 HIRATA.

2 A Yes.

3 Q If ITAGAKI did in fact issue orders to HIRATA
4 are you prepared to deny that fact personally?

5 A He did not have the authority to issue orders.

6 Q Did you not this morning, General -- refresh
7 your recollection -- testify that HIRATA was a brave
8 man?

9 A Yes.

10 Q And that you believed he would have made
11 the attack on his own, but --

12 A I said I believed he would have made up
13 his mind to do so.

14 Q And did you not also testify in that connection
15 that ITAGAKI was entitled to give orders?

16 A I believe you either heard me wrong or else
17 I made a misstatement. I would like to have the
18 record reread.

19 THE COMMISSIONER: My recollection is that the
20 witness said that he did not give orders; that he
21 could not, but that he would give something in the
22 nature of advice or counsel; something to that effect.

23 MR. DUNIGAN: That is right; instructions.

24 THE WITNESS: That is what I said.

25 Q So that, General, upon your own testimony that

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1 ITAGAKI might give instructions, you are not prepared
2 to deny that he did, are you?

3 A I did not say so. I said that Colonel
4 ITAGAKI had the authority to give guidance in
5 accordance with the line of policy -- with the idea --
6 with the intention of the Commander-in-Chief, but
7 that, because Colonel HIRATA was a very brave man, the
8 attack was actually carried out without the necessity
9 for any -- without the need for any guidance on the
10 part of Colonel ITAGAKI. That is the impression I
11 gained of the afternoon of September 19, when I
12 heard Colonel ITAGAKI reporting to General HONJO.

13 THE INTERPRETER: September 19, 1931.

14 A (Continuing) I have a very strong impression
15 of the report which Colonel ITAGAKI gave at that time
16 which was to the effect that in accordance with the
17 intentions of the Commander-in-Chief he had intended
18 to tell the two Commanders to attack. However, before
19 that the Commanders already came to him saying that on
20 their own decision they had decided to attack. Things
21 having come to this pass, they had decided to attack
22 on their own decision.

23 Q You have answered the question, General.

24 THE COMMISSIONER: What was the latest
25 observation of the witness?

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1 THE INTERPRETER: The witness said the
2 Commander-in-Chief appeared greatly pleased with this
3 report.

4 Q General, my recollection of your testimony
5 this morning is that you said ITAGAKI had no authority
6 to give orders to HIRATA, but that he might give
7 instructions for or on behalf of the Commander-in-
8 Chief. Wasn't that your testimony this morning?

9 A Yes.

10 Q So that you are not prepared to say that
11 ITAGAKI, in fact, did not issue instructions to HIRATA,
12 are you?

13 A Yes. I can say so because I heard Colonel
14 ITAGAKI's report personally in which he stated that,
15 although he had the authority to give that guidance,
16 it was not necessary to do that because the two
17 Commanders' opinions coincided. ITAGAKI himself
18 may think that he did give guidance, but, from my
19 view, the situation was a very good one in which it
20 was not necessary to do that.

21 THE COMMISSIONER: Does that conclude that
22 particular topic?

23 MR. DUNIGAN: I had one more question, your
24 Honor.

25 THE COMMISSIONER: Well, put that question.

1 Let us clean up this topic before we adjourn.

2 Q So that, under your testimony, as I recalled
3 it and just recited it to you, if the Commander-in-
4 Chief had not been available on the occasion in
5 question to issue orders, ITAGAKI might, in fact,
6 have issued them; is that true?

7 A I believe you misunderstand what I said.
8 I did not say anything about the presence or absence
9 of the Commander-in-Chief.

10 Q You are not prepared to say that ITAGAKI,
11 on the occasion that you were testifying to, did not
12 in fact issue orders, are you?

13 A I can, because he did not issue orders.

14 MR. DUNIGAN: No further questions.

15 THE COMMISSIONER: You have no further
16 questions?

17 MR. DUNIGAN: That was my last question on
18 that point. (End of reading)

19 And there was an adjournment.
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(Reading Continued):

1 Q General ISHIHARA, on the night of September
2 18, 1931, were you in Port Arthur with General HONJO
3 and Chief of Staff MIYAKE?
4

5 A Yes.

6 Q And ITAGAKI was in Mukden; is that true?

7 A Yes, he was.

8 Q You and General HONJO had left ITAGAKI on
9 the afternoon of September 18; is that correct?

10 A Yes.

11 Q When did you next see ITAGAKI?

12 A On the evening of the 19th.

13 Q During the period of time from the afternoon
14 of September 18th and the evening of September 19th
15 were you in communication with him?

16 A No.

17 Q So that during that period of time you have
18 no personal knowledge of his actions?
19
20
21
22
23
24
25

1 A On the evening of the 19th ITAGAKI reported
2 to the Commander-in-Chief and I was there when he
3 made this report and there learned of what had
4 transpired during that period.

5 Q General, maybe you misunderstood the question.
6 I will repeat it for you. During the interval
7 from the afternoon of September 18th and the evening
8 of September 19th you had no personal knowledge of his
9 actions?

10 A I did not actually see what he did. I heard
11 of what he did afterwards.

12 Q And you heard that --

13 A That is what I meant by "to know."

14 Q And you heard that when you next saw him
15 on the evening of September 19th; is that correct?

16 A Yes.

17 Q Now, ITAGAKI had gone to Mukden to meet
18 General TATEKAWA; is that so?

19 A Yes.

20 Q You testify in your affidavit that ITAGAKI
21 left General TATEKAWA without receiving the details
22 of the message. What do you mean by "message"?

23 THE MONITOR: What page is that on, sir?

24 MR. DUNIGAN: Page 11, middle of the page.

25 A I do not know the details of the message.

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1 However, when ITAGAKI was reporting to the Commander --
2 in the report that he made to the Commander he stated
3 that General TATEKAWA asked him whether the younger
4 officers were not extremely excited over the
5 Captain NAKAMURA Incident, whereupon, ITAGAKI
6 replied that that was not the case. Then Colonel
7 ITAGAKI asked the General for what purpose he had
8 come to Mukden. Whereupon, General TATEKAWA said "On
9 hearing what you have to say about the NAKAMURA Case,
10 I am extremely relieved. Today, I am very tired. Let
11 us meet and talk about the situation tomorrow." And,
12 thereupon, Colonel ITAGAKI, who had intended to have
13 a drinking party with General TATEKAWA that night,
14 left without even taking a sip at General TATEKAWA's
15 own request. Therefore, we were unable to get what
16 General TATEKAWA's specific purpose in coming to
17 Manchuria was.

18 Q Well, are you now referring to your conver-
19 sation with ITAGAKI on the evening of September 19?

20 A No, this was what I heard while Colonel
21 ITAGAKI was reporting to Commander HONJO.

22 Q Then, your answer to my last question would
23 be "yes"; is that correct?

24 A Which question do you mean?

25 Q General, when you just testified about

1 this drinking party, that was when ITAGAKI was
2 reporting to General HONJO on the evening of September
3 19th; is that what you mean?

4 A Yes.

5 Q And the reference to the drinking party
6 is solely what ITAGAKI said?

7 A Yes.

8 Q Is that all that you know about the message?

9 A I do not know anything about the so-called
10 message.

11 Q Did you learn anything more at all other than
12 what you have said about this message?

13 A I received no reports concerning TATEKAWA's
14 purpose.

15 Q Did you ask ITAGAKI who sent General
16 TATEKAWA to Mukden?

17 A No, I didn't.

18 Q Did you learn anything from General HONJO
19 in connection with that?

20 A No.

21 Q You have answered the question, General.

22 If I told you that TATEKAWA came to Mukden,
23 and was sent there by General KOISO, would I be
24 distorting the truth so far as you know?

25 A That is not possible, because, at the time,

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1 TATEKAWA was a section chief in the General Staff
2 Office.

3 Q You were with General HONJO in Port Arthur
4 when you received the first reports of the Mukden
5 Incident; is that correct?

6 A Yes.

7 Q Now, according to your testimony the first
8 message you received stated that Japanese forces
9 were being attacked by five or six hundred of the
10 enemy.

11 THE MONITOR: Would you give us the page
12 please, Mr. Dunigan.

13 MR. DUNIGAN: That is on page nine.

14 A I did not write -- say anything to that
15 effect; not in the first report.

16 Q Well, I will correct that. General, I will
17 correct that to say that in the second report you
18 received from Mukden.

19 A Yes.

20 Q After you arrived at Mukden with General
21 HONJO did you personally investigate as to whether or
22 not that statement was true?

23 A No.

24 Q That answers the question, General.

25 MR. DUNIGAN: If your Honor please --

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1 THE COMMISSIONER: Just one moment, Mr.
2 Dunigan. If the witness answers shortly as requested,
3 but thinks the short answer may give a misleading
4 view without elaboration, he is entitled to explain.

5 MR. DUNIGAN: I understand that, your Honor.
6 I want this witness to have the fullest opportunity
7 to explain.

8 THE COMMISSIONER: Very well, then. He
9 answered shortly. He appears to want to add something
10 about that explanation. We will hear it to see whether
11 it is appropriate.

12 MR. DUNIGAN: Very well. I want him to have
13 that opportunity.

14 A Reports reaching us from the front line must
15 be accepted as of the greatest accuracy. When a
16 war is actually in progress it is not given to us to
17 investigate further than the actual reports which we
18 may receive from the front line.

19 Q After you and General HONJO arrived at
20 Mukden, did you personally investigate the railway
21 damage?

22 A No.

23 Q Do you know if Colonel ITAGAKI investigated
24 the railway damage?

25 A I do not know.

1 Q Do you know if General HONJO investigated
2 the railway damage?

3 A Of course he did not personally investigate
4 the damage.

5 Q Where is the town of Pei-tayin?

6 A It is not a town, it is a barracks. It
7 is the North Barracks.

8 Q Where is Yinkon?

9 A It is a town half-way between Mukden
10 and Dairen which faces the Gulf of Bokkai.

11 Q How far is Yinkon from Mukden, if you know?

12 A About 200 kilometers.

13 Q Is Yinkon on the South Manchurian Railway?

14 A Yes.

15 Q Now, on page -- After you and General HONJO
16 arrived at Mukden on September 19, you testify that
17 a meeting of the staff officers was held. The decision
18 you reached then was to mobilize the entire army; is
19 that correct?

20 A I believe you are under some misunderstanding.

21 Q General, on page nine of your affidavit
22 you have stated that a careful study of the whole
23 situation was made by the whole staff and that
24 certain decisions were reached. It is the middle
25 of page nine, at the top.

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1 A I do not get what portion you are quoting from.
2 There may be some mis-translation. Are you referring to
3 what went on in Port Arthur?

4 Q On the translation of your affidavit on page
5 nine you state "Then appeared the Commander of the
6 Army, after a careful study the whole staff arrived
7 at the following conclusion."

8 THE MONITOR: It is not the Japanese, sir.
9 I'm sorry. Will you give us the translation?

10 MR. DUNIGAN: It comes after "Lieutenant
11 NODAthen appeared the Commander of the Army."

12 A This conference was held in Port Arthur.
13 Please look carefully at the text.

14 Q Regardless of where the conference was held,
15 General, was there a meeting of the whole staff and
16 a decision reached?

17 A The word "decision" is a very difficult word.
18 Staff officers cannot make a decision by themselves.

19 Q Was a conclusion reached?

20 A Yes.

21 Q Was one of those conclusions the mobilization
22 of the entire army?

23 THE MONITOR: Are you referring to the
24 Kwantung Army? It makes an awful difference in
25 Japanese.

MR. DUNIGAN: The Kwantung Army.

A No, not mobilization.

THE COMMISSIONER: Supposing you read the particular sentence that you have in mind.

MR. DUNIGAN: It appears on page nine, after the words "There is no time to lose. We must resolutely mobilize the whole strength of our military might --"

THE MONITOR: We interpreted what you have just said.

THE COMMISSIONER: The whole sentence requires to be completed for translation.

MR. DUNIGAN: Oh, I didn't know that, sir. "-- resolutely mobilize the whole strength of our military might to seal the fate of the enemy within the shortest possible time."

A Yes.

Q And was that conclusion subsequently embodied in a decision?

A I do not quite get your meaning.

Q I will reframe the question and say was the army subsequently mobilized?

MR. WARREN: Your Honor.

THE COMMISSIONER: Just a moment.

Yes, Mr. Warren.

1 MR. WARREN: Your Honor, I would like to
2 object because I think counsel is unwittingly mis-
3 leading this witness. He is a military man and he
4 talks about mobilizing strength in his affidavit,
5 whereas the prosecutor keeps referring to the army.
6 I am certain it is confusing.

7 THE COMMISSIONER: Yes, I am conscious of
8 the same error. Mobilizing strength merely means
9 aggregating your greatest possible strength. Mobiliz-
10 ation, on the other hand, is a technical term used
11 by military people with somewhat different meanings.

12 MR. DUNIGAN: I certainly had no intention
13 of misleading this witness.

14 THE COMMISSIONER: Of course no one assumes
15 you are doing that.

16 MR. DUNIGAN: Mobilization, to me as a layman,
17 meant just exactly the way I was framing the question
18 to the witness. I will reframe the whole question.

19 THE COMMISSIONER: It appears here as being
20 used rather in a literary than a technical military
21 sense. So I understood it.

22 MR. DUNIGAN: My questions, your Honor,
23 were framed in the language of his testimony; and,
24 in answer to counsel, he being a military man, he
25 should know better than I what mobilization is.

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1 THE COMMISSIONER: It is not necessary
2 to continue the discussion. Please go on with your
3 questions.

4 BY MR. DUNIGAN (Continued):

5 Q General ISHIHARA, what did you mean when you
6 testified that "We must mobilize the whole strength
7 of our military might"?

8 A What I meant was, acting in accordance with
9 previous operational plans, to concentrate our utmost
10 strength in the fighting in and around Mukden. I shall
11 correct my statement: To concentrate and to make them
12 participate in the attack.

13 Q And when you say to concentrate your utmost
14 strength did you mean the entire strength of the
15 Kwantung Army?

16 A Yes.

17 Q Now, the conclusion to concentrate the entire
18 strength of the Kwantung Army was made before you
19 arrived at Mukden.

20 A All forces -- all units that were ordered to
21 concentrate, did concentrate. That is to say, the
22 main strength of the army did.

23 Q And that conclusion, I repeat, was made before
24 you and General HONJO got to Mukden on September 19?

25 A Yes, we left -- HONJO -- Commander HONJO

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1 left Port Arthur after arriving at this conclusion.

2 Q And this conclusion was reached when you
3 had information that only five or six hundred enemies
4 were attacking; is that correct?

5 A Yes.

6 Q And at that time you personally, at least,
7 had not verified whether five or six hundred enemies
8 were attacking or not?

9 A I have already answered that question once.
10 There was no necessity for me to verify that.

11 Q What did you mean when you testified "-- to
12 seal the fate of the enemy within the shortest possible
13 time"?

14 A I meant by that to deal a great blow to the
15 enemy in the vicinity of Mukden and to capture
16 Mukden Fortress which was the headquarters of the
17 Mukden Regime -- which was the nerve-centre of the
18 Mukden Regime.

19 Q Did that also include the capture of Yinkon
20 200 kilometers away?

21 A That was a small auxiliary measure.

22 Q What did you mean when you testified on
23 page 10 of your affidavit that you "should get rid
24 of the enemy in Yinkon"?

25 A The enemy forces in Yinkon were those who

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1 were in the best position to threaten our railway
2 communications between Port Arthur and Mukden, and
3 were a part of the Mukden forces.

4 Q Had the forces in Yinkon at that time
5 attacked you?

6 A No.

7 Q Did any Chinese army other than the five or
8 six hundred that you have testified to at any time
9 attack you?

10 A No.

11 Q You have testified, General, about dealing
12 a fatal blow to the enemy. Did you deal a fatal blow
13 to the enemy?

14 A It may not have been a fatal blow, it was
15 maybe a semi-fatal blow. We were the iron, but the --
16 The blow was iron, but the hammer was small.

17 Q Was this Chinese army which you have previously
18 testified was encircling you completely defeated?

19 A I do not understand to what portion of my
20 affidavit you are referring. Are you referring to
21 the general question which I took up in my affidavit?

22 Q General, I will clarify that.

23 THE COMMISSIONER: The witness need not
24 concern himself with particular parts of the affidavit.
25 He did make the statement that the Chinese had an army

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1 of some approximately 200,000 in strength, and that
2 that army was encircling the Japanese positions. The
3 question is plain. He is asked whether that army of
4 200,000 was given a fatal blow.

5 MR. WARREN: Your Honor, may I have the
6 prosecutor's question read back. I understand him
7 to say the army of five hundred.

8 MR. DUNIGAN: That wasn't the question.

9 THE COMMISSIONER: That was an earlier
10 question.

11 MR. WARREN: I see. I didn't understand
12 the question.

13 THE COMMISSIONER: Will the witness now
14 please answer the question of counsel for the prosecution.

15 THE WITNESS: I also understood the prosecutor
16 to be referring to the five or six hundred men.

17 THE COMMISSIONER: Very well, in that case
18 will the question of the prosecutor please be read
19 again to the witness so that he may understand it.

20 (Whereupon, the last question was
21 read by the official court reporter as follows:
22 "Was this Chinese army which you have previously
23 testified was encircling you completely defeated?")
24

25 A By the blow which we dealt them their encircle-
ment of our forces was broken.

ISHIHARA

CROSS

1 of some approximately 200,000 in strength, and that
2 that army was encircling the Japanese positions. The
3 question is plain. He is asked whether that army of
4 200,000 was given a fatal blow.

5 MR. WARREN: Your Honor, may I have the
6 prosecutor's question read back. I understand him
7 to say the army of five hundred.

8 MR. DUNIGAN: That wasn't the question.

9 THE COMMISSIONER: That was an earlier
10 question.

11 MR. WARREN: I see. I didn't understand
12 the question.

13 THE COMMISSIONER: Will the witness now
14 please answer the question of counsel for the prosecution.

15 THE WITNESS: I also understood the prosecutor
16 to be referring to the five or six hundred men.

17 THE COMMISSIONER: Very well, in that case
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21 read by the official court reporter as follows:
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23 testified was encircling you completely defeated?")
24 A By the blow which we dealt them their encircle-
25 ment of our forces was broken.

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1 THE COMMISSIONER: The question was, was
2 that army defeated. What does he say to that?

3 THE WITNESS: Its power to encircle us was
4 broken. The encirclement itself was not broken,
5 because the distance was too great.

6 BY MR. DUNIGAN (Continued):

7 Q General, was the army, the Chinese army,
8 defeated?

9 A The Chinese army in the vicinity of Mukden
10 was defeated.

11 Q How about the Chinese forces at Fenhuangcheng;
12 were they defeated?

13 A Yes.

14 Q How about the Chinese forces at Antung; were
15 they defeated?

16 A Yes.

17 Q Now, this is the same Chinese army that
18 you testified on page two of your affidavit was
19 equipping itself with tanks, airplanes and other
20 modern arms and strengthening its training systems.

21 A They are the Chinese forces -- The forces
22 we defeated were the forces in the vicinity of Mukden,
23 Fenhuangcheng and Antung -- Yinkon and Antung.

24 Q And you accomplished these feats, General,
25 with the poor, ill-equipped army that you have

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1 previously testified to consisted of 10,000 men?

2 A Yes. Not even half of that 10,000 partici-
3 pated in the actual fighting in Mukden.

4 Q In the course of these battles that you have
5 spoken of, did any of the Chinese airplanes which
6 you mentioned on page two of your affidavit go into
7 action against you?

8 A No.

9 Q The fact is, General, that they were all
10 captured on the ground; isn't that so?

11 A Yes.

12 Q General, you have previously testified that
13 the actions of the Kwantung Army in Manchuria was
14 one of self-defense. Were these operations that you
15 have just described in self-defense?

16 A Yes.

17 Q As a matter of fact, it was self-defense
18 in pursuit; isn't that so?

19 A Attack is a method of defense -- is one
20 method of defense. Besides, we were attacked first
21 by the enemy.

22 Q So that you regard defense as an offense?

23 THE COMMISSIONER: The witness need not
24 answer that question. That is entirely a matter of
25 debate and not a matter of fact.

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1 MR. DUNIGAN: I recognized that the moment
2 I asked it and I meant to change it.

3 Q General, prior to the Mukden Incident
4 was the taking of this airstrip that you testified
5 yesterday morning; was that in self-defense? I am
6 referring now, General, to the maneuvers prior to
7 the Mukden Incident.

8 A Yes. If war should break out -- If fighting
9 should break out at any one point, one cannot defend
10 himself simply by fighting at that particular point.
11 We must at the sametime take all measures against
12 any possible attack from any other part.

13 Q This airstrip that you testified to was taken
14 on the night of September 18; isn't that so?

15 A According to my recollection it was on the
16 afternoon of the next day, the 19th.

17 Q Why was the order issued on September 10th?

18 A No order was issued on the 10th of September.

19 Q Who is KAWAKAMI?

20 A He was Commander of the garrison at Fuhsien.

21 Q Do you know if he issued an order to take
22 that airstrip on September 10th? I want to strike
23 that question out and reframe it. Do you know if
24 KAWAKAMI issued an order on the 10th of September
25 to take the airstrip on the night of September 18th?

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1 A I do not believe such a thing could be
2 possible.

3 Q General, do you recall being -- I withdraw
4 that -- General, let me reframe the question and try
5 to help you on your recollection. Do you recall
6 instructions being issued on the 10th of September
7 regarding that airstrip?

8 A I already gave explanations concerning that
9 yesterday.

10 Q Well, was the maneuver, if you know, to be
11 held on the night of September 18th? War maneuvers,
12 rather.

13 A Then shall I repeat my explanation of
14 yesterday concerning this problem?

15 Q Yes, go ahead.

16 A I believe it was towards the end of August
17 the newly arrived Commander, General HONJO, ordered
18 the company stationed at Fuhsien, which had hitherto
19 had as its main duty the guarding of Fuhsien, to
20 occupy the airfield in the event of an incident
21 occurring and these instructions were conveyed to
22 KAWAKAMI, Commander of that garrison -- were privately
23 conveyed. Commander KAWAKAMI on receiving these
24 instructions felt extremely anxious about the situation,
25 since, by attacking this airfield, Fuhsien itself

1 would be left defenseless; and in order to maintain
2 an adequate defense of Fuhshien under such circumstances,
3 he decided to ask for the cooperation of the police
4 and of the ex-servicemen. He thought it was necessary
5 to ask for the cooperation of the police and of the
6 ex-servicemen.

7 Commander KAWAKAMI drew up a plan for
8 maneuvers under which on the 18th he and his entire
9 company was to leave for Mukden and based -- and
10 continued his researches on this hypothesis. After
11 having a conference with the policemen and ex-service-
12 men on this basis, he sent them a notice saying that
13 actually he would not leave for Mukden on the 18th.
14 But by some coincident the incident actually did break
15 out in Mukden on the 18th.

16 On hearing of the sudden outbreak -- on the
17 actual outbreak of the incident, Captain KAWAKAMI
18 was extremely-- was completely caught by surprise
19 and his company did not carry out its new duty, which
20 was to attack the airfield, and instead he brought
21 his whole company in an extremely ill-equipped state
22 to Mukden and there received a severe scolding from
23 his Battalion Commander. That is all.

24 Q Why was the order for the maneuvers issued
25 on September 10th?

1 A I believe that Captain KAWAKAMI based his
2 order on what he had been thinking up to that time.

3 Q What, General, had he been thinking, if you
4 know?

5 A As I have already said, Captain KAWAKAMI's
6 main concern was how Fuhsien could best be defended
7 after he and his company had left, and, in order that
8 the policemen and ex-servicemen would be able to
9 maintain the defense of Fuhsien, he decided to hold
10 these maneuvers.

11 Q General, so far as you know, am I making
12 a true statement when I say that the orders for the
13 maneuvers relating to the airstrip were issued on
14 September 10th, to be carried out on the night of
15 September 18th?

16 A The orders were given on that day and --
17 orders were given to conduct such maneuvers on that
18 day, but I do not know whether those orders were given
19 on the 10th or not. As I said yesterday, Captain
20 KAWAKAMI apologized to me very much a few days after
21 the outbreak of the incident, saying that because
22 of these maneuvers which he had planned purely by
23 chance for the 10th, he had caused a great embarrassment
24 to the army as a whole.

25 Q And KAWAKAMI was one of your company commanders?

1 A He was not under my direct control. How-
2 ever, in so far as operations and strategy were
3 concerned, I could contact him directly without going
4 through his superior -- immediate superiors as he
5 was an independent garrison commander.

6 Q General, on page 10 of your affidavit you
7 have stated that officials and people demanded a
8 punitive measure against the Chinese troops. To
9 help you, you were referring to "officials and people
10 on the railway line." That is your language.

11 A Yes. There were many people to greet us
12 at each station.

13 Q And were those civilians of the railway,
14 or some of them persons that you testified to yesterday
15 had various opinions on the Manchurian situation?

16 A It was not only the intelligentsia and the
17 people of the thinking classes, but almost all of
18 the residents of any particular area who all crowded
19 to the station to greet us.

20 Q And were they Japanese?

21 A Yes.

22 Q And you subsequently did carry out punitive
23 measures against the Chinese, didn't you?

24 A Yes.

25 Q Did you regard those punitive measures as

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1 a matter of self-defense?

2 A Yes.

3 THE COMMISSIONER: Have you many more
4 questions you contemplate putting, Mr. Dunigan?

5 MR. DUNIGAN: I am through with that very point
6 right now. (End of reading.)

7 MR. DUNIGAN: There was an adjournment.

8 (Reading continued.)

9 Q You talked -- I withdraw that -- General,
10 you testified yesterday about certain operational
11 plans. What would be necessary to move an army
12 across the border?

13 A The Imperial Sanction.

14 Q In your original operational plans that
15 you told us about yesterday, did those plans include
16 the transfer of the Korean Army into Manchuria?

17 A No. We did not have the authority to
18 make such plans.

19 Q You have testified on page 11 of your affidavit
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18 make such plans.

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1 at the time you were referring to General HONJO
2 setting up headquarters at the railroad station
3 on September 19, and, at the top of page 11 you
4 said, among other things, "In the meanwhile he sent
5 reports to the central military authorities, and
6 requested the Commander-in-Chief of the Korean
7 Army to send reinforcements (one mixed brigade)
8 in accordance with the prearranged plan of operations."
9 What prearranged plans did you refer to in that
10 testimony?

11 A In the case of operational plans drawn
12 up by the central military authorities, these are
13 given separately to the Commander of the Army in
14 Manchuria and to the Commander of the Army in Korea
15 in so far as those plans relate to them, and, in
16 these plans, in case fighting broke out in Manchuria,
17 it was arranged that one, the Commander in Manchuria,
18 was to ask for one mixed brigade from the Korean
19 Army to be sent as speedily as possible; and every
20 year detailed agreements between the two armies were
21 drawn up in connection with the sending of this mixed
22 brigade -- in connection with the transportation of
23 this mixed brigade.

24 Q Did General HONJO communicate with the central
25 authorities when he asked for reinforcements from Korea?

1 A I do not remember. I was not in charge of
2 sending such reports.

3 Q Do you know if the operational plans, which
4 you have described, which called for reinforcements
5 from Korea had the Imperial sanction?

6 A Under the plans which I -- The plans which
7 I drew up went only so far as the seizure of Mukden
8 Fortress. In that period of time, there would not
9 be enough time for reinforcements from the Korean
10 Army to reach us, and, therefore, my plan did not
11 contemplate any such reinforcements.

12 Q Well, did you have any personal knowledge,
13 General, with respect to these particular reinforce-
14 ments from Korea in so far as the Imperial Sanction
15 is concerned?

16 A The Commander of the Korean Army sent troops
17 to Manchuria without obtaining the Imperial sanction.

18 Q And that was done at the request of General
19 HONJO of the Kwantung Army; is that true?

20 A As is written in this affidavit, the
21 request -- Commander HONJO made only one request
22 and this request was made on the train between Port
23 Arthur and Mukden.

24 Q So that, so far as you know, with respect
25 to the Korean reinforcements, there was no Imperial

Sanction.

1 A Yes.

2 Q By "yes" do you mean that there was no
3 Imperial Sanction?

4 A That is so.

5 Q You mentioned the Tientsin Incident on
6 page 14 of your affidavit. Where was DOHIHARA, if
7 you know, at the time of that incident?

8 A My recollection is not clear on this point.

9 Q Was DOHIHARA entrusted with the liaison work
10 between the Kwantung Army and the Tientsin Army?

11 A He was entrusted with that duty for quite
12 a long period of time, but I do not know whether he
13 had that duty at this time -- at the time of this
14 incident or not.

15 Q Was he Chief of the Special Service Depart-
16 ment at that time?

17 A Yes.

18 Q General, in your experience as a military
19 man, what is the primary function of a reconnaissance
20 plane?

21 A Reconnaissance.

22 Q Do they usually carry bombs?

23 A No.

24 Q You testified on page 15 of your affidavit
25

1 that scout planes of 88-type were flying to
2 reconnoitre the condition of the North-eastern
3 army in the Chinchou area, and that these planes dropped
4 75 bombs in self-defense. Will you explain to this
5 Court the dropping of bombs in self-defense, if you
6 can?

7 A I myself had part in this-- participated
8 in this flight, so I remember the details of this
9 rather more than other things. It is for that reason
10 that I was able to give the exact number, 75 bombs.
11 The explanation will be somewhat detailed; is that
12 all right?

13 THE COMMISSIONER: The witness is really
14 asked to say how these were used in self-defense. He
15 need --

16 THE WITNESS: Yes, they were dropped in
17 self-defense.

18 THE COMMISSIONER: You can only give as much
19 detail as is necessary to explain the matter of
20 self-defense.

21 A (Continuing) According to reports received
22 by us, enemy troops from within the great wall were
23 concentrating in Chinchou and it looked as if they
24 were about to advance on Mukden. On receiving
25 these reports we decided that reconnaissance flights

1 must be carried out. At first, we planned only to
2 use two 88-type planes. However, these planes
3 had just recently come to us and the pilots were not
4 well trained in their use and the performance of
5 these planes compared to present-day planes was very
6 insignificant.

7 MR. DUNIGAN: If your Honor please, I think
8 now that the witness is getting into that portion of
9 the testimony which was stricken out when he was
10 comparing it to modern-day planes.

11 THE COMMISSIONER: I do not think he is doing
12 that, but I do think the witness perhaps is giving
13 more detail than is necessary to explain what is
14 meant by the use of bombs in self-defense.

15 MR. DUNIGAN: Yes.

16 A (Continuing) We also received reports to the
17 effect that a considerable number of anti-aircraft
18 guns had been installed in Chinchou. Therefore,
19 it was decided to change the original plan and to
20 send 11 airplanes instead of the two originally
21 planned; and these planes left, receiving permission
22 from the Commander-in-Chief to bomb the headquarters
23 and barracks of the enemy if the enemy should fire at
24 them. At first, the planes were flying at a height
25 of 1500 meters, but, as it was impossible to see

1 clearly at that height, some of the planes flew
2 low. Whereupon, they were fired upon by Chinese --
3 from the Chinese side -- from the Chinese barracks.
4 Thereupon, the planes which had been fired upon
5 dropped their bombs, and the planes which followed
6 naturally dropped their bombs also. That is all.

7 Q Doesn't a reconnaissance plane usually,
8 General, when it is fired upon over enemy territory,
9 turn around and fly back?

10 A That may be the usual process. However,
11 in cases where the object of the reconnaissance
12 is not attained, it cannot be helped.

13 Q Isn't it a fact, General, that you started
14 out that day loaded down with bombs, intent upon a
15 bombing expedition?

16 A They were not loaded down with bombs. Some
17 bombs were taken.

18 Q Well, isn't 75 a sizeable number of bombs?

19 A Five or six bombs to each plane.

20 Q So that, in effect, five or six bombs
21 to each plane and several planes it was, in effect,
22 a bombing expedition; isn't that the fact, General?

23 A Our object was not bombing.

24 Q But you did drop 75 bombs?

25 THE COMMISSIONER: That is a waste of time.

1 The fact is stated in the affidavit.

2 (End of reading.)

3 THE PRESIDENT: We will adjourn until half-past
4 one.

5 (Whereupon, at 1200, a recess was taken.)

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AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at
1330.

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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

8

THE PRESIDENT: Mr. Dunigan.

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1 MR. DUNIGAN: (Reading continued):

2 Q General, when did the Japanese army complete
3 its occupation of Manchuria to the best of your
4 recollection?

5 A I have no exact knowledge on that point.
6 I believe it was around 1933. However, this was
7 after I had left the Kwantung Army.

8 Q Well, wasn't Japan -- hadn't Japan com-
9 pletely occupied Manchuria in 1931?

10 A No.

11 Q When was the new Manchoukuo Government set
12 up?

13 A March, 1932.

14 Q At that time wasn't Manchuria completely
15 occupied by the Japanese army?

16 A No.

17 MR. DUNIGAN: May I have your indulgence,
18 your Honor, for just one-half minute, please.

19 Q General, you have testified on page 18 of
20 your affidavit that "the army was not much concerned
21 in the politics and economy of the new state," next
22 to the last paragraph, starting. What did you mean
23 when you used the word "politics"?

24 A Politics means politics. May I have a more
25 concrete question.

ISHIHARA

CROSS

1 Q I have used your language, General, in your
2 affidavit.

3 A I mean politics in the ordinary sense of
4 the word.

5 Q Would politics also include, perhaps,
6 industrial exploitation?

7 A No.

8 Q What was this Self Government Guidance
9 Board that the Kwantung Army set up in Manchoukuo?

10 THE MONITOR: Is this on page 18, sir?

11 A It was a Board for the local Self-Government,
12 headed by a Manchurian named Yu Chung-han.

13 Q Would self-government include politics?

14 A Yes. This was one of the points most earnestly
15 stressed by Yu Chung-han.

16 Q Was this Board under the control of the
17 Kwantung Army?

18 A No.

19 Q Were the activities -- Did the activities
20 of the Board have to be sanctioned by the Kwantung
21 Army or approved?

22 A I believe that it would naturally get in
23 touch with the Kwantung Army as far as questions
24 concerning the preservation of order -- peace and
25 order were concerned, but it was the policy of the army

1 not to interfere with the functions of this Board.
2 It was a policy of the Kwantung Army not to inter-
3 fere with this Board as much as possible.

4 Q Weren't most of the members of the Board
5 Japanese?

6 A Japanese were members of the Board. I do
7 not think they were in the great majority, however.
8 According to my recollection, over half the members
9 of the Board were Manchurians. However, I cannot
10 say this with -- However, this was outside my own
11 field of work.

12 Q So that -- withdraw that -- Do you know how
13 many members were on the Board, General?

14 A No.

15 Q Do you know KASAGI, K-A-S-A-G-I?

16 A Yes.

17 Q Well, if he said there were approximately
18 120 members on the Board, would that be a fair state-
19 ment in your opinion?

20 A I could only say I do not know.

21 Q Can you explain, General, how this Board
22 came to be organized so quickly after the Mukden
23 Incident?

24 A Fengtien Province is a Province that has a
25 very old culture and it is a -- it had many old

1 inhabitants of that territory who had lived there
2 before the influx of Chinese after the Russo-Japanese
3 war, and after the establishment of peace and order
4 in that region. These people were dissatisfied
5 with the dictatorship of the Chiang family, and a
6 clique known as the Bunji clique, which had as its
7 leader a certain Chinese whose name I have forgotten --
8 now forgotten -- was in existence. Yu Chung-han was
9 one of the leaders of this movement. This old man
10 with very great vigor propagated this movement and
11 made his children join, and, in a very short time
12 the movement gathered great strength in various
13 areas.

14
15 Q Well, isn't it a fact that it was under the
16 control of the Kwantung Army and that everything
17 that it did had to be sanctioned and approved by the
18 Kwantung Army?

19 A No. For instance, concerning KASAGI, whom
20 you just mentioned, I do not believe that he agreed
21 with the ideas of the staff officers of the Kwantung
22 Army or was on very good terms with them. That was
23 because the Self Government Guiding Board very often
24 tried to take over the functions of local Chinese
25 officials and because the Kwantung Army had had
connections with these officials of the -- with these

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CROSS

1 local Chinese officials in connection with the
2 preservation of peace and order, and the Board
3 frequently clashed with the Kwantung Army.

4 Q Did ITAGAKI have any connection with the
5 Self Government Guidance Board?

6 A He had almost no connection with this
7 Board.

8 THE COMMISSIONER: Will you please repeat,
9 interpreter, as far as the witness has gone, if you can.
10 Can you translate; because it seems to me that now
11 the witness is expanding his short answers much more
12 lengthily than is justified by the circumstances,
13 and I want to know what he is saying now?

14 THE INTERPRETER: The witness started to say,
15 "Sometimes ITAGAKI would --"
16

17 THE COMMISSIONER: If it has relation to
18 what ITAGAKI did then he may continue, because that
19 has direct relation to the question put to him.

20 A (Continuing) On several occasions ITAGAKI
21 would tell me of his dissatisfaction at the attempt
22 of the Self-Government Guiding Board to interfere
23 with the functions of Tsang Shih-yi.

24 MR. DUNIGAN: What was that last?

25 THE INTERPRETER: T-s-a-n-g S-h-i-h-y-i.

THE COMMISSIONER: Your next question?

1 Q Wasn't ITAGAKI the political advisor to the
2 Board?

3 A I do not think so.

4 Q Well, was ITAGAKI connected with Yu Chung-
5 han?

6 A No.

7 Q General, do you know a Mr. Norton? Do you
8 remember having a talk with him on the 25th of April,
9 1946? This conversation took place at the Tokyo
10 Teishin Hospital.

11 A What is he, a newspaper correspondent? I
12 do not remember the name.

13 Q Well, he was the man that asked you a lot
14 of questions and you made answer to him. There was
15 an interpreter there.

16 A I have met several people connected with
17 the Court and also several newspaper correspondents,
18 but I am very sorry I am unable to remember foreign
19 names very well; and which person had what name.

20 Q Do you remember being questioned along
21 about that time about the Board and ITAGAKI?

22 A No.

23 Q Do you remember being asked this question
24 and making this answer?
25

"Q Do you know anything about the

Self Government Guidance Board in Manchuria?

"A Yes, I have heard of it."

Next question:

"Q When was it organized?

"A It was organized either in September or October, 1931.

"Q What were the names of the members of this organization?

"A NAKANO, Koitsu and KASAGI, Ryonei. They were the leaders of this Organization. NAKANO is now dead. The last I heard of KASAGI is that he was in Japan. However, I do not know where he is at present. I also knew Mr. Yu Chung-han, who headed this Organization."

Next question:

"What connection did the Board have with the Kwantung Army?

"A It came under the command of the Kwantung Army.

"Q Didn't the army direct Yu Chung-han, who was the head of the Board?

"A Anything the Board did had to be sanctioned by the army. However, ITAGAKI, Seishiro, then political advisor, should be able to give you a complete report.

"Q Are you a friend of ITAGAKI?

"A Yes, a very good friend.

"Q How much connection did ITAGAKI have with Yu Chung-han?

"A ITAGAKI was not connected with Yu Chung-han until after the incident.

"Q Why?

"A Yu Chung-han had been ill for a long time and did not take control of this Board until after the incident.

"Q The Mukden Incident occurred on September 18, 1931. Please explain to me how such an organization could originate so soon after this incident?

"A An organization of this type had been planned and studied by NAKANO and KASAGI sometime previous to the incident. They organized the Yu-Ho-Kai and the Manchu and the Seinen Renmei. The members of these two organizations were made up mostly of Japanese. These organizations were in operation as early as 1928. After the Manchurian Incident, these two organizations were amalgamated to form the Self Government Guidance Board."

Do you remember, General, being asked those questions and making those answers?

A I do remember that there was such an occasion.

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CROSS

1 However, is what you have just read a stenographic
2 record of that meeting?

3 THE COMMISSIONER: That is not the question.
4 You are asked: Do you remember such a conversation?

5 Q That conversation, General, took place at
6 Tokyo Teishin Hospital.

7 A Yes, there was such a conversation.

8 MR. DUNIGAN: With that, your Honor, I think
9 the prosecution will conclude its cross-examination.

10 THE COMMISSIONER: No redirect from the
11 defense?

12 MR. HATTICE: No redirect, your Honor.

13 THE COMMISSIONER: That then concludes
14 the taking of this evidence.

15 A report will be compiled for the information
16 of the Tribunal, to be presented on such occasion
17 as may be arranged with the Tribunal.

18 (Whereupon, at 1158, the proceed-
19 ing was concluded.)

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12 MR. HATTICE: No redirect, your Honor.

13 THE COMMISSIONER: That then concludes
14 the taking of this evidence.

15 A report will be compiled for the information
16 of the Tribunal, to be presented on such occasion
17 as may be arranged with the Tribunal.

18 (Whereupon, at 1158, the proceed-
19 ing was concluded.)

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SHIMIZU

DIRECT

1 MR. MATTICE: That concludes the part
2 with which we are concerned. Mr. Furness will now
3 proceed.

4 THE PRESIDENT: Major Furness.

5 MR. FURNESS: If the Court please, our first
6 witness is Tozo SHIMIZU and I request that he be
7 called to the witness stand. This witness has already
8 been sworn.

9 T O Z O S H I M I Z U, called as a witness on behalf
10 of the defense, having been previously sworn,
11 resumed the stand and testified through Japanese
12 interpreters as follows:

13 THE PRESIDENT: You are still on your former
14 oath.

15 DIRECT EXAMINATION

16 BY MR. FURNESS:

17 May the witness be shown defense document
18 No. 1352.

19 Q Is that your sworn affidavit?

20 A Yes.

21 Q Are the facts therein stated to be true?

22 A Yes.

23 MR. FURNESS: Defense offers in evidence
24 defense document No. 1352.

25 THE PRESIDENT: Mr. Sutton.

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1 MR. SUTTON: May it please the Tribunal,
2 the prosecution objects to and moves to strike out
3 sections IV, V, VI, VII, VIII and IX of the affidavit,
4 being practically all of pages 2, 3 and 4 of the af-
5 fidavit. These sections purport to give the substance
6 of interviews between Wang Ching-wei and Premier
7 HIRANUMA, War Minister ITAGAKI, Navy Minister YONAI,
8 Finance Minister ISHIWATA, Foreign Minister ARITA
9 and Prince KONOYE held in Tokyo in June, 1939, at
10 which the witness acted as interpreter. What purport
11 to be the official documents setting out the gist of
12 each of these conversations appear on the present
13 order of proof immediately following the affidavit
14 of this witness as defense documents numbers 1403,
15 1399, 1398 and 1442. The witness states in section
16 X of the affidavit at the bottom of page 4 that the
17 main points of these talks were written down by him
18 and sent to the Foreign Office and that the records
19 should be in the custody of the Foreign Office.

20 It is submitted that the official reports
21 of these interviews are the best evidence and since
22 they are presumably to be offered in evidence the
23 witness should not be allowed to testify as to the
24 contents of these documents, the result of which would
25 be to put the same testimony in evidence twice. We

1 are prepared, if the Tribunal considers it advisable,
2 to point out the specific objection to each of the
3 sections IV - IX inclusive.

4 There is one matter I especially wish to
5 draw to the attention of the Tribunal. That is a
6 further objection to section V. It refers on page 3
7 to two documents, one entitled, "Concrete Measures
8 for Saving the Situation," and the other entitled,
9 "Desire Towards Japan Concerning the Realization of
10 the Principle of Respecting Chinese Sovereignty."
11 Neither of these documents are produced nor is any
12 explanation offered for the failure to produce them.

13 THE PRESIDENT: Major Furness.

14 MR. FURNESS: If the Court please, with
15 regard to the interviews that this man had, even if
16 they are recorded in official documents, it does not
17 seem to me that it disqualifies him in any way as a
18 witness.

19 THE PRESIDENT: No, the fact that the con-
20 versations were recorded does not prevent his stating
21 what the conversations were. The records, of course,
22 would tend to confirm what he says if what he says is
23 in conformity with what is recorded. The rule excluding
24 proof of the contents of documents otherwise than by
25 producing the documents themselves has no application

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1 to records of conversations. That is my understand-
2 ing but, of course, the Members of the Tribunal may
3 think that the only thing that matters to them will
4 be the written record. But why, Major Furness, do
5 you want us to get his version of the conversation
6 followed by the record of the conversation? Does it
7 help to have it twice? We want to save time here and
8 if we have the record of the conversation, why get
9 this man's evidence as to what the conversation was
10 in addition?
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SHIMIZU

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9 this man's evidence as to what the conversation was
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SHIMIZU

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MR. FURNESS: There are two reasons, I think, your Honor. One, the statement in the affidavit plus the official statement makes a more complete picture. The affidavit gives the circumstances under which the interviews were held. Finally, this witness can be subjected to cross-examination on such interviews as he appears on the stand.

THE PRESIDENT: Couldn't he say that on a certain day, at a certain place an interview took place between certain people? Here is the record of the interview. Then, read the record. Our whole purpose is to save time.

MR. FURNESS: I would like to say, with respect to conversations of Navy Minister YONAI and Minister without Portfolio, Prince KONOYE, we plan to have the witness identify the Foreign Office statements and introduce them into evidence on his qualifying them.

THE PRESIDENT: Of course, what I say applies only to records of conversations. If there are other documents, they must be proved or their absence accounted for.

MR. FURNESS: I understand that, your Honor, and if they are not in the other documents which will

1 be submitted later, we will either produce them
2 or not ask that part of his evidence be received.

3 THE PRESIDENT: By a majority, the Court
4 overrules the objection and admits the document.

5 The objection overruled is confined, of
6 course, to the record of the conversation.

7 MR. FURNESS: You understand, of course,
8 with respect to the other, if we can account for
9 non-production of originals, or if we have the
10 right to produce secondary evidence, we will
11 later tender it.

12 THE PRESIDENT: The document is admitted
13 on the usual terms.

14 CLERK OF THE COURT: Defense document
15 No. 1352 will receive exhibit No. 2585.

16 (Whereupon, the document above
17 referred to was marked defense exhibit
18 No. 2585 and received in evidence.)

19 MR. FURNESS: I will read exhibit No.
20 2585, omitting the formal parts:
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1 "I was born on August 1, 1893 at my perman-
2 ent domicile, No. 813, Otsuka, Kokufu" -- I will omit
3 the rest of that paragraph.

4 "II. In 1934, I left for my post in Pengling
5 as interpreter, first-class, of the Japanese Embassy
6 in China; and in the summer of 1936 moved to Nanking
7 following the embassy's transfer to Nanking, and there-
8 after remained at that post until the termination of
9 the war in 1945.

10 "III. During my service at the embassy in
11 Nanking, a conference concerning adjustment in Sino-
12 Japanese diplomatic relations was held between Amba-
13 sador KAWAGOE and the Chinese Government about the
14 autumn of 1936 (immediately before the Hsian Incident)
15 and I attended the conference as an interpreter.

16 "Concerning the above conference for adjust-
17 ing Sino-Japanese diplomatic relations, Ambassador
18 kawagoe had interviews numbering to several dozens
19 of times with Chang Chun, the Chinese Minister of
20 Foreign Affairs, but in that period he also had a
21 talk with Chiang Kai-shek about the end of November,
22 1936. The talk between Ambassador KAWAGOE and Chiang
23 Kai-shek continued for more than an hour. At that
24 time, Ambassador KAWAGOE expressed his desire to see
25 adjustment in Sino-Japanese diplomatic relations by

1 all means as the continuation of the conflict between
2 Japan and China was an extremely trying matter for the
3 two countries. Chiang Kai-shek answered that he felt
4 the same way and wished to see adjustment in Sino-
5 Japanese diplomatic relations by all means, but since
6 he had expressed his opinion in detail to Chang Chun,
7 his Foreign Minister, he wished to have him (TN:
8 KAWAGOE) confer with the Minister. In the conference
9 between Mr. KAWAGOE and Chang Chun, a proposal for
10 adjusting Sino-Japanese diplomatic relations was sub-
11 mitted by the Japanese side. Its important points
12 were as follows:

- 13 "1. Sino-Japanese economic cooperation;
- 14 "2. Sino-Japanese anti-Comintern agreement;
- 15 "3. To designate North China a special area
16 in view of its relationship with Japan.

17 "Chang Chun's opinion was that he was, of
18 course, in agreement with Sino-Japanese economic
19 cooperation but wished this to be based on the prin-
20 ciple of reciprocity and equality all the way. He was
21 also very much in agreement with the Sino-Japanese
22 anti-Comintern agreement but here too wanted to con-
23 clude an agreement only so far as to not infringe upon
24 Chinese sovereignty. As to making North China a
25 special area with respect to its relation with Japan,

1 he could recognize a special economic relation but
2 would not be able to recognize any special adminis-
3 trative relation.

4 "During this period when mutual negotiations
5 took place in this manner, the Pailingmiao and the
6 Hsian Incident broke out, consequently the conference
7 concerning the adjustment of Sino-Japanese diplomatic
8 relations was forced to be suspended entirely.

9 "IV. As I received a telegram ordering me to
10 return home from the Foreign Office in early June
11 1939, I returned to Tokyo by plane. The purpose of
12 this was to interpret at the conferences between Wang
13 Ching-wei, who was then in Tokyo, and the authorities
14 of the various circles.

15 "When Mr. Wang Ching-wei first had an inter-
16 view with Premier HIRANUMA on June 10, I interpreted
17 on the occasion. Premier HIRANUMA stated his opinion
18 that the trouble between Japan and China was indeed
19 alarming and that he wanted to take measures to gain
20 peace by some means or another. Mr. Wang replied,
21 'I fully agree with you, and it is to be desired that
22 steps be taken to settle this matter of regaining
23 peace. As for the methods, three measures are con-
24 ceivable. The first plan would have Japan cutting
25 herself off completely from the Nationalist Government

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1 and taking measures to regain peace by dealing with
2 the intelligent people out of office. The second
3 plan would be to negotiate directly with Chiang Kai-
4 shek. The third plan would be to take measures to
5 regain peace based on dealing with all people of every
6 quarter who want peace between Japan and China, irre-
7 gardless of whether they are members of the Nationalist
8 Government or non-government men, and irrespective of
9 party or group. I think there are these above three
10 possibilities. If you are to take the first measure,
11 although I would not be able to take a public stand,
12 I would like to render as much of my assistance as
13 possible behind the scenes. If Japan should adopt
14 the second method and intends to negotiate directly
15 with Chiang Kai-shek to regain peace, as a member of
16 the Nationalist party myself, I would not hesitate to
17 mediate between Japan and him. And if the third method
18 is to be adopted, I should like to directly embark into
19 the peace movement myself and become its central figure,
20 but which way is Japan intending to take?' Premier
21 HIRANUMA answered, 'This is a problem of China. There
22 is no way except to take measures which China feels to
23 be most proper. It is very excellent, however, that a
24 person like yourself would embark positively on a
25 peace movement as its central figure.'

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2 the intelligent people out of office. The second
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8 Government or non-government men, and irrespective of
9 party or group. I think there are these above three
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14 the second method and intends to negotiate directly
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16 the Nationalist party myself, I would not hesitate to
17 mediate between Japan and him. And if the third method
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19 the peace movement myself and become its central figure,
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22 is no way except to take measures which China feels to
23 be most proper. It is very excellent, however, that a
24 person like yourself would embark positively on a
25 peace movement as its central figure.'

1 "On this above occasion, Mr. Wang repeatedly
2 emphasized his opinion that since the present Nation-
3 alist Government is being moved by the influence of
4 the Chinese Communist Party, it has lost its authority
5 as a central government. Therefore, he wished to es-
6 tablish a powerful government under his leadership to
7 take measures to regain peace with Japan. He wanted
8 to go ahead with this, however, with the understanding
9 that the government which they were about to newly
10 establish would be the return of the government with
11 the present Nationalist Party as its leader to the
12 former seat of the government and that we would not
13 be establishing any new political regime quite differ-
14 ent from the former government.

15 "V. Following this, Mr. Wang Ching-wei had an
16 interview with Minister of War ITAGAKI on the 11th of
17 June, and I interpreted again. On this above occasion
18 Minister of War ITAGAKI gave various explanations from
19 the standpoint of the Japanese Army, but the important
20 point of his explanation was that Japan took military
21 action against China, not with any aggressive inten-
22 tions, but only for the purpose of destroying the anti-
23 Japanese Army which was organized on collaboration of
24 the Nationalist and Communist Parties; that she never
25 regarded the Chinese people as enemies and that the

1 important point was to oppose communism.

2 "Mr. Wang Ching-wei expressed that he also
3 took a stand of opposing communism, but as to methods
4 for its settlement, he thought keeping alive the
5 spirit of the Nationalist Party's doctrine with a
6 Nationalist Party based on the principles of Sun Wen
7 as leader was the way, and forming a strong Central
8 Government was what should be striven for to destroy
9 the Communist's power. He further stated that he was
10 determined to personally embark upon a move for its
11 settlement.

12 "Following this, Mr. Wang again met Minister
13 of War ITAGAKI and, on this occasion also, I again
14 interpreted. In this talk, they exchanged their
15 opinions concerning 'concrete measures for saving the
16 situation' which was previously handed to Mr. ITAGAKI
17 by Mr. Wang. The proceedings concerning the establish-
18 ment of the Central Government was primarily in this
19 document."

20 Am I correct, your Honor, in my understand-
21 ing that you do not wish me to read further about
22 that particular document?

23 THE PRESIDENT: If you are relying on the
24 contents of that document, you must produce it or
25 give convincing reasons for its absence.

1 MR. FURNESS: We will not rely on it until
2 the document is produced or satisfactory secondary
3 evidence is produced.

4 (Reading continued)

5 "The contents had: All the People's Repre-
6 sentatives Temporary Conference to be held with Mr.
7 Wang to be Chief of the Nationalist Party; the
8 assembly, the resolution for the return of the Cen-
9 tral Government to the former seat of the government
10 to be made; the sun-in-the-blue-sky flag to be used as
11 the national flag; the government to include men of
12 all parties and groups, etc. Although Mr. Wang showed
13 great eagerness concerning the matters on establishing
14 the Central Government, Mr. ITAGAKI asked various
15 questions and took a standpoint of cross-examining Mr.
16 Wang to test the feasibility of realizing his desires."

17 THE PRESIDENT: The contents of any document
18 will be disregarded until the rule is complied with.

19 MR. FURNESS: I understand that, your Honor.

20 (Reading continued)

21 "Finally Mr. ITAGAKI said that Japan does not
22 object to the above concrete measures, but with regard
23 to the question of the national flag, he said if the
24 sun-in-the-blue-sky flag, which was the same as that
25 of anti-Japanese Government, was used by the new

1 government at this time when the battle was still in
2 progress, it would cause difficulty in distinguishing
3 one from the other, so he requested that steps be
4 taken to devise a mean to distinguish them. And Mr.
5 Wang answered that he would properly consider the
6 matter and would like to devise a method to disting-
7 uish them. After this, the Central Government decided
8 to add a triangular yellow cloth, on which the phrase
9 'Peace and anti-Communism' was written, to the top
10 of the sun-in-the-blue-sky flag.

11 "Thus, Mr. ITAGAKI stated his hearty approval
12 of Mr. Wang's plan. Still more, Mr. Wang, during his
13 stay in Tokyo, wrote a document entitled 'Desire to-
14 wards Japan Concerning the Realization of the Prin-
15 ciple of Respecting Chinese Sovereignty' and offered
16 it to the War Ministry.

17 "Its content called Japan's attention to the
18 independence and autonomy of Chinese domestic admin-
19 istration. Its important points were as follows:"

20 THE PRESIDENT: Omit the alleged contents.

21 MR. FURNESS: I skip to paragraph No. six,
22 Roman, on page 4:
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1 "On June 12th Mr. Wang had an interview with
2 Navy Minister YONAI and, at this time also, I acted as
3 interpreter. Mr. Wang said to Navy Minister YONAI that
4 he came to him to ask for Japan's view as he had re-
5 solved to embark on a peace and anti-communism movement,
6 and he expressed his wishes.

7 "Navy Minister YONAI paid his respects to
8 Mr. Wang and answered that Japan, respecting China's
9 position, wished Mr. Wang to exercise his ability freely
10 and had no intention to interfere in his activity, and
11 that Japan hoped to make mutual efforts for the common
12 object.

13 "VII. On June 13th Mr. Wang had an interview
14 with Finance Minister ISHIWATA and again I was the
15 interpreter. The contents of this conversation was
16 almost the same as that between Mr. Wang and Navy
17 Minister YONAI, but Finance Minister ISHIWATA particu-
18 larly emphasized that Japan had no intention of monopo-
19 lizing the economy of China.

20 "VIII. On the 14th of the same month, when
21 Mr. Wang had an interview with Foreign Minister ARITA,
22 I acted as interpreter. The contents of this conversa-
23 tion was almost the same as his conversation with Navy
24 Minister YONAI.
25

"IX. On the 14th of the same month, during

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1 Mr. Wang's interview with Prince KONOE, Fumimaro, I
2 was the interpreter. Mr. Wang told Prince KONOE that
3 he agreed with the three principles of the KONOE state-
4 ment and that he embarked on a peace movement. He
5 expressed his idea that if China could return to Sun
6 Wen's principles, Japan and China would be able to
7 cooperate, and that one of the two reasons for the
8 strained Sino-Japanese relation is the interference
9 on the part of the Communist Party towards Sino-
10 Japanese cooperation and the other is the fact that
11 the Chinese public does not understand Japan's inten-
12 tion. He said that he felt very hopeful since coming
13 to Tokyo and talking to Prime Minister HIRANUMA who
14 talked about establishing the Sino-Japanese relation
15 on moral principles, Minister of Navy YONAI who said
16 that Japan does not intend to interfere with the inter-
17 nal administration of China, and Minister of Finance
18 ISHIWATA who stressed on the fact that Japan has no
19 intention to monopolize the economy of China. Prince
20 KONOE told him, Mr. Wang said, that the Prince under-
21 stands Sun Wen very well and is extremely pleased
22 that he (Mr. Wang) has undertaken courageously to do
23 something for China and Japan as Sun Wen wanted to do.
24 Mr. Wang said that he wanted to establish a new govern-
25 ment in order to settle the Sino-Japanese Incident and

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1 calling it the Nationalist Government, he wished to
2 use the sun-in-the-blue-sky flag as the national flag.
3 This is not to give to the public such an impression
4 that China has been defeated by Japan and to prove
5 that China is not under Japan's suppression. Mr. Wang
6 said that he intended to gather the members of the
7 Nationalist Party, tell them the true intention of
8 Japan and have them return to the true spirit of the
9 three principles of democracy. Then calling a
10 national convention of the Nationalist Party and con-
11 ducting a central political conference, he wished to
12 embark upon establishing a central government. Prince
13 KONOE understood him very well and encouraged him.

14 "X. The contents of Mr. Wang Ching-wei's
15 talks with the key men of the Japanese Government and
16 other circles during his stay in Tokyo, on every
17 occasion of which I acted as interpreter, are as
18 stated above. I jotted down the main points of these
19 talks and sent them to the Foreign Office. I think
20 these records should be in the custody of the Foreign
21 Office.

22 "XI. Toward the latter part of June, Mr. Wang
23 left Japan for Tientsin and met with Mr. Wang Ko-min
24 to inform him of Japan's real intention. Then he went
25 to Nanking to convey the same to Mr. Liang Hung-chih.

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1 After his inspection tour of Kantang, in August he
2 held an extraordinary national convention of the
3 Nationalist Party At Shanghai and exerted himself in
4 establishing a new government. Finally he succeeded
5 in his efforts on March 30, 1940. No Japanese at-
6 tended these conferences or meetings and they were
7 carried out according to what was planned by Mr. Wang
8 himself. I accompanied him from Tokyo to Tientsin,
9 then to Shanghai.

10 "XII. Since then the establishment of a new
11 government proceeded smoothly entirely on China's own
12 accord and without anything to do with the Japanese
13 Government. That is to say, in the latter part of
14 January 1940, Mr. Wang conferred with the leading
15 officials of the Peiping Provisional Government and
16 the Nanking Renovation Government at Tsingtao and
17 asked their understanding in regard to the establish-
18 ment of a central government. Subsequently, he held
19 a central political conference in the latter part of
20 March, the same year and defined the political pro-
21 gram and organization of the Central Government and
22 decided upon personnel to fill the key positions. The
23 leading men of the Nationalist Party and the delegates
24 of other parties participated in this conference and
25 no Japanese took a part in any meetings.

1 "The important persons among the attendance
2 at the above conference as I remember them were:

3 "Wang Ching-wei, Chou Fuo-hai, Chu Min-i,
4 Pai-sheng, Chen Kung-po and Mei Ssu-ping of the Nat-
5 ionalist Party; Wang Ko-min of the Peking Provisional
6 Government; Liang Hung-chih of the Nanking Renovation
7 Government; Chu Ching-lai of the National Socialist
8 Party; and Chao Yu-mu of the Chinese Youth Party.

9 "In consequence of the above conference, the
10 Central Government was established on March 30th at
11 Nanking. As to its organization, in accordance with
12 Sun Wen's 'five rights constitutional government,'
13 namely, Executive, Legislative, Judicial, Supervisory,
14 and Examination. The chief of each board was installed
15 respectively.

16 "Mr. Wang Ching-wei assumed the position of
17 Chief of the Executive Board and the position of
18 President of the Government remained vacant.

19 "All facilities of various organs of the
20 government were prepared by China and protected by
21 either the Chinese police or military police. No
22 Japanese was appointed as official in any part of the
23 government."

24 Signed and sworn to by SHIMIZU, Tozo.
25

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1 MR. FURNESS: May the witness be shown
2 defense document No. 1398?

3 (Whereupon, a document was handed
4 to the witness.)

5 BY MR. FURNESS (continued):

6 Q Mr. SHIMIZU, you mention in paragraph six
7 of your affidavit, page 4 of the English trans-
8 lation, the interview between Navy Minister
9 YONAI and Wang Ching-Wei at which you acted as
10 interpreter. Will you look at defense document
11 No. 1398 which is entitled "Gist of Conversation
12 between Navy Minister YONAI and Wang," of June 12,
13 1939, and tell us whether it is an official docu-
14 ment of the Japanese Foreign Office.

15 A I could not hear it very well. May I
16 have it repeated?

17 Q Will you look at defense document No. 1398
18 which is entitled "Gist of Conversation between
19 Navy Minister YONAI and Wang," of June 12, 1939,
20 official document of the Japanese Foreign Office,
21 and tell us whether this document correctly reports
22 the conversation as interpreted by you.

23 A Yes, I understand. I will look at this
24 document for a while.

25 There is no mistake; it is so.

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1 MR. FURNESS: I now offer in evidence
2 defense document No. 1398.

3 THE PRESIDENT: Admitted on the usual
4 terms.

5 CLERK OF THE COURT: Defense document
6 No. 1398 will receive exhibit No. 2586.

7 (Whereupon, the document above
8 referred to was marked defense exhibit
9 No. 2586 and received in evidence.)

10 THE PRESIDENT: I don't suppose you are
11 going to read that.

12 MR. FURNESS: I did not hear you, sir.

13 (Whereupon, the President's
14 statement was read by the official
15 court reporter.)

16 MR. FURNESS: I will leave it as described
17 in the affidavit. The Court can read it if there is
18 any discrepancy.

19 THE PRESIDENT: If there is any substantial
20 discrepancy, the prosecution will point it out, no
21 doubt.

22 MR. FURNESS: I ask that the witness be
23 shown defense document No. 1442.

24 (Whereupon, a document was handed
25 to the witness.)

THE WITNESS: Yes, I have looked it over.

BY MR. FURNESS (continued):

Q Mr. SHIMIZU, you mention in paragraph nine of your affidavit, page 4 of the English translation, the interview between Prince KONOYE and Wang Ching-Wei, at which you acted as interpreter. Will you tell us whether defense document No. 1442 which is entitled "Gist of Conversation between Prince KONOYE, Minister without Portfolio, and Wang," of June 14, 1939, is an official document of the Japanese Foreign Office, and tell us whether this document correctly reports the conversation as interpreted by you.

A Yes, it is reported accurately.

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 2588 and received in evidence.)

4 MR. FURNESS: I will read exhibit No.
5 2588, but will not read the parts omitted from the
6 affidavit of the witness, 2585, since it will be
7 duplication. I shall commence at the words "We
8 have been deeply moved by Japan's sincere intention --"
9 That is the first of the body, omitting the formal
10 part.

11 "We have been deeply moved by Japan's
12 sincere intention to respect the sovereignty of
13 China which we experienced and was inspired through
14 personal contacts with the Japanese authorities during
15 our visit to Japan.

16 "At present, utmost effort is being made
17 to establish a central government, especially,
18 laying emphasis upon personnel and resourcefulness.
19 However, it is to our regret that mere abstract
20 explanation of the Japan's sincere intention has
21 not been able to clear the Chinese people of their
22 suspicious towards Japan. Therefore, we feel keenly
23 that it is essential at the present time to take
24 further steps to explain to them the sincerity of
25 Japan in a more concrete way.

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1 "The following description which is divided
2 into three articles, that is, political, military
3 and economic affairs is conditions, for which we
4 wish to obtain beforehand the Japanese understanding
5 and guarantees in order to attain the above-mentioned
6 object. It is a matter of course that the measures
7 in detail should be decided upon in the establishment
8 of a central government between the Governments
9 of both States Governments after deliberate research
10 on the basis of the Principle of Readjustment of
11 Sino-Japanese Relation and the spirit involved in
12 it.

13
14 "A. Internal Administration

15 "The independence of China's internal
16 administration is a basis principle which has been
17 frequently declared by Japan. Important points are
18 introduced below with a view to further showing
19 Japan's good-will to the Chinese people in accordance
20 with facts and calling their attentions. It is
21 earnestly desired that Japan will faithfully observe
22 and practice them.

23 "1. We wish China, upon her honor, execute
24 a rigid control of anti-Japanese thoughts and speeches
25 and carrying out an education friendly to Japanese
and as for Japan it is hoped that Japan will correct

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1 her thought or attitude contemptuous and aggressive
2 towards China and put a friendly Chinese education
3 into effect.
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1 "2. In order to prevent the Chinese people
2 from having doubts that Japan may have an intention
3 of intervening in China's internal administration,
4 the Central Government of China will avoid station-
5 ing a political adviser or a post having a like name.
6 It is desirable that all political matters which re-
7 quire negotiation with Japan will be managed by nego-
8 tiations with the Japanese Ambassador in China follow-
9 ing due proceedings.

10 "3. It is to be hoped that no Japanese
11 will be appointed as government officials in those
12 Central Government's Yuans and ministries which are
13 concerned in administration, with a view of keeping
14 Japan from intervening in China's internal adminis-
15 tration or leaving any doubts about it.

16 "A Japanese technical expert will be appoin-
17 ted as a technical adviser in each ministry relating
18 to technique of physical science, but his functions
19 will be limited to the field of technique. He can
20 not, as a principle, take part in general adminis-
21 tration. Therefore, though he can attend a confer-
22 ence concerning technique in the ministry to which
23 he belongs, through the notices of the head concerned,
24 he will not be present at a general conference con-
25 cerning administration. However, if it is necessary

1 to call a technical advisor to the conference, per-
2 mission of the superior authorities is required.

3 "The appointment and service regulations
4 concerning a technical advisor will be promulgated
5 in the Central Government.

6 "4. In each provincial government and special
7 city government, neither political advisor nor post
8 having simular title will be stationed with the
9 light of the above mentioned intention. Negotiations
10 with the Japanese Army and general liaison matters
11 in a district before the withdrawal of the Japanese
12 Army, those foreign commissioners who are temporarily
13 appointed in the provincial government or the
14 Special City Government shall take charge of the
15 matters.

16 "If the Japanese Army requires the co-opera-
17 tion of a provincial or a city government, it is to
18 be hoped that Japan will take diplomatic proceedings,
19 and not through imperative writings or oral notices.

20 "In each Board attached to a provincial
21 government or each office attached to a special city
22 government, neither political advisor nor post hav-
23 ing similar title will be established for adminis-
24 trative matters. However, if required to appoint
25 a technical advisor in the light of necessity

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1 of technique of physical science, measures of the
2 Central Government will be followed.

3 "5. The district government or the ordinary
4 city government is an administrative organ which has
5 direct contact with the people; therefore, a Japanese
6 should not be employed as any government official
7 regardless of the position to be held, to prevent
8 the Chinese people from entertaining any doubts or
9 misgivings towards Japan.

10 "A full service secretary may be stationed
11 to take charge of matters concerning liaison affairs
12 of a district government. When the co-operation of
13 a district or a city government is required before
14 the withdrawal of the Japanese Army, it is to be
15 hoped that Japan will resort to diplomatic formal-
16 ties and not through written orders or oral notices.
17 It is desirable that the Pacification Unit be
18 immediately withdrawn from all districts except those
19 where military operations are now taking place.

20 "6. With a view of maintaining the prestige
21 of each local government and to avoid the Chinese
22 from cultivating ill-feeling towards Japan, it is
23 desirable that the Japanese Army before withdrawal
24 designate foreign commissioners to take full charge
25 for negotiating with a government or province, city

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1 or district, and hold them responsible thereafter.

2 "7. With a view of showing independence of
3 the national finance it is hoped that the Japanese
4 organs or individual in China will not occupy or
5 operate directly or indirectly any kind of customs
6 and taxation organs of China.

7 "It is hoped that taxation and administra-
8 tion, which has been brought into a peculiar condi-
9 tion through military necessity -- for instance, the
10 salt tax -- be restored to normalcy as soon as
11 possible, and that Japanese organs or individuals
12 in China will **not** hinder or disturb its operation.

13 "8. It is hoped that Japan will prevent
14 the Japanese soldiers and civilians (lower ranks
15 and class) in China from taking an action or an
16 attitude contemptuous towards the Chinese. Such
17 trifling matters prove a serious hindrance to the
18 friendship between the two nations. It is especially
19 hoped that special attention be given to this point
20 before the withdrawal of the Japanese Army."

21 I skip now to the last paragraph on page 7:

22 "5. Although it is hoped that, if any
23 Chinese force returns to the New Central Government
24 after the return of the Central Government to Nanking,
25 a part of the Japanese army will evacuate by mutual

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1 agreement and their former occupied area will be
2 turned over to the said returned force; otherwise
3 consideration shall be given to station them in other
4 area."

5 Skipping now to paragraph numbered 1 under
6 "Economic Affairs," on page 8:

7 "1. It is hoped that the public or private
8 factories, mines and shops of China occupied or con-
9 fiscated by the Japanese institutions or individuals
10 in China in the period of military administration
11 (TN. (military period) in the original text must be
12 a mistake of) may quickly be returned to China and,
13 for this purpose, a special rule may be laid down for
14 proper means of joint enterprise."

15 THE PRESIDENT: Have you finished with that
16 document?

17 MR. FURNESS: That is all I will read.

18 THE PRESIDENT: We will recess for fifteen
19 minutes.

20 (Whereupon, at 1445, a recess was taken
21 until 1500, after which the proceedings were
22 resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Brooks.

4 MR. BROOKS: Mr. President, as American defense
5 counsel for the defendants Jiro MINAMI and Kuniaki
6 KOISO, I wish to state that after consultation with
7 the accused and their Japanese attorneys we have author-
8 ized Mr. J. C. Howard to look after the interests of
9 said defendants during my temporary absence in Washington,
10 D.C., on official business. If such meets with the
11 approval of the Tribunal, Mr. Howard agrees to act
12 during my absence.

13 THE PRESIDENT: The Tribunal approves.

14 MR. BROOKS: Thank you, sir.

15 THE PRESIDENT: Major Furness.

16 MR. FURNESS: If the Court please, other
17 counsel have pointed out to me that the report of the
18 conference with Navy Minister YONAI in the witness'
19 affidavit is only two short paragraphs, that the
20 official Foreign Office report of the gist of the con-
21 versation, exhibit 2586, is far more complete and gives
22 a far more adequate description of the conference.
23 I, therefore, request permission to read exhibit 2586.
24 It is not intended to read the gist of the conversation
25 between Prince KONOYE and Wang, exhibit 2587, because

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1 that is more adequately reported in the affidavit.

2 THE PRESIDENT: Proceed to read.

3 MR. FURNESS: (Reading)

4 "From 8 a.m. to 9 a.m. June 12, 1939

5 "Wang: On reading the statement of the
6 Government of your country concerning the present
7 Incident, I understand that Japan's true intention is,
8 in short, as follows:

9 "(1) Japan intends to establish a new East
10 Asia with a common purpose of anti-Communism, helping
11 China in developing itself, to prevent the U.S.S.R.
12 from Bolshevizing China, that is, the menace of the
13 U.S.S.R. to the Orient; and

14 "(2) that Japan does not assume such an
15 attitude as Britain did toward India. Since the Inci-
16 dent broke out, the Chinese at large have been
17 suspecting that China would be invaded and ruled in
18 the future by Japan, and they have been uneasy about it.
19 If Japan's true intention is what I understand it to
20 be, this uneasiness on the part of the people will
21 soon pass. The problem of communism is more serious.
22 China approved of the Communist Party from 1924 to
23 1926, adopting the so-called pro-Communist policy. In
24 those days I was in the Government circles, and had
25 experienced various difficulties. Since rejecting the

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1 Communist Party in 1926, I have paid tremendous sac-
2 rifices for exterminating Communists for about ten
3 years as you know; but since the outbreak of the
4 present Incident, CHIANG Kai-shek has adopted the
5 pro-Communist policy again. Assuming an absolutely
6 opposing attitude against this, I often advised him
7 that he was mistaken, but all in vain. For the past
8 two years Communism prevailed more and more freely,
9 and the situation in the Orient has become dangerous.
10 This is the reason why I decided to co-operate with
11 Japan in the anti-Communist movement. As the first
12 step of my operation, I desire to endeavour to con-
13 struct what is called a new order in East Asia, first
14 of all making the Nationalist Party accept the two
15 points which Japan demands---that is, joint prevention
16 of Communism and Japan-China co-operation. The purpose
17 of my present visit to Japan is to solicit views of
18 the government authorities of your country for this
19 operation. I esteem it the greatest honour that since
20 the day before yesterday I have been allowed to meet
21 the Premier and the War Minister, and that to-day I
22 can converse with you personally.

23 "Yonai: Being already informed of your
24 opinion and policy through Captain KAGESA and Captain
25 SUGA, and listening to your direct speech now, I

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1 admire your firm belief. As to problems between
2 Japan and China, it is useless to discuss the past.
3 We must seriously consider what we have to do at
4 present and in the future. It needs extraordinary
5 efforts to achieve the great work in East Asia. As
6 to this point I have absolute confidence in you, with
7 great reputation, knowledge and ability, who have
8 risen with a firm resolution. Under various circum-
9 stances Japanese side may have aroused suspicion or
10 various unpleasant feelings in you. But now I can de-
11 clare that the Japanese Government authorities have
12 perfect confidence in you, and plan to assist you to
13 accomplish your great work. On this point I hope you
14 will make yourself quite easy, and proceed with firmer
15 belief. Secondly when the two countries, Japan and
16 China, proceed together towards the supreme object of
17 accomplishing a great work in East Asia, each one is
18 under a different circumstance, that is, China has its
19 own standpoint, and Japan its own. We must respect
20 each other's standpoint. If Japan respects China's
21 standpoint and fully understands the difficulties of
22 your circumstances, you will be able to exercise your
23 ability freely; Japan never intends to interfere with
24 trifling affairs within China. The important point is
25 that, with great a common aim, we should hold each

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1 other's hand and keep each other's heart in touch,
2 and co-operate in achieving the supreme purpose. As
3 to its practical method some heated discussions may
4 have to be conducted; however, if sincerity be shown,
5 a point of agreement will always be found. Speaking
6 more concretely, the two countries must mutually remove
7 the feeling of superiority, and do away with jealousy
8 and antipathy. We must go along, not only on surface
9 but sincerely, and be one with each other. Next, to
10 accomplish the supreme work in East Asia with co-
11 operation of the two countries it is necessary to
12 establish a new Central Government in China, and this
13 is only a means of accomplishing this tremendous work;
14 and establishing the government itself is not our
15 purpose.

16 A study of recent Chinese history shows that the
17 organization of a central government has too often
18 become the object of scrambling for political power.
19 This must be strictly guarded against, and on this
20 point I have confidence in your ability.

21 The above three points are what I wanted to say at this
22 opportunity of meeting you to-day, and we shall have
23 another chance to talk about the other details. These
24 are the points I wanted to discuss, and I eagerly ex-
25 pect you to fight your way through.

1 "Wang: Talking with the Premier and the
2 War Minister since the day before yesterday, I under-
3 stand very well the intention of your Government,
4 and it has become still clearer for me after listen-
5 ing to your talk to-day. This has made my resolution
6 still firmer. I will do the best of my humble abilities
7 to speedily clear away the feeling of uneasiness on
8 the part of the Chinese people about Japan, and to
9 co-operate with Japan for our common objective.

10 "YONAI: An Ancient proverb says that one
11 should not be tempted by fame or be afraid of censure.
12 It is important for a man to act rising above fame
13 and interests.

14 "Wang: Yes, it is important to get along
15 with conviction. A few months before I left Chungking
16 I tried to make Chiang Kai-Shek change his mind without
17 success, and finally I was forced to depart from
18 Chungking. During my stay at Hanoi I sent messages
19 to Chiang through a messenger sent from Chiang that if
20 Chiang should retire from public life, I would follow
21 him, and if he should go abroad, I would accompany
22 him. But he did not approve of this; on the contrary,
23 finding myself in danger, I made up my mind at last
24 and departed. As I fully understand Japan's true
25 intention through your talk, I will transmit it to my

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2 War Minister since the day before yesterday, I under-
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23 finding myself in danger, I made up my mind at last
24 and departed. As I fully understand Japan's true
25 intention through your talk, I will transmit it to my

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1 comrades when I return to my country, and endeavour
2 to settle the situation through co-operating with
3 other comrades, not to speak the Nationalist Party.
4 I believe that so far as they are not Communists,
5 they will soon or later agree with us.

6 "YONAI: There is a proverb saying "Do not
7 hasten to say yes and do not believe too much". Every
8 thing will be a success, if it be done after mature
9 consideration.

10 "Wang: Yes, I will try to come up to your
11 expectations."
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1 THE PRESIDENT: It wasn't worth reading,
2 Major Furness. The affidavit is preferable.

3 MR. FURNESS: I think there were parts which
4 were worth reading. I think perhaps I read too much,
5 though.

6 I ask that the witness be shown the book
7 for which we have the English title "Sharing Our Fate."
8 I think the Japanese title is Dosei Kyoshi.

9 (Whereupon, the said document was
10 handed to the witness)

11 BY MR. FURNESS (Continued):

12 Q I ask you to look at that book and tell us
13 what it consists of.

14 A I have seen this book before in Nanking. It
15 is a book in which the Wang Ching-wei Government, the
16 high officials of the government including Wang,
17 expressed their thoughts as regards the fundamental
18 principles -- their fundamental principles. I believe
19 it is a very authoratative book to gain an insight or
20 idea of what these fundamental principles were.

21 Q Is it a collection of official documents or
22 otherwise? I mean does it contain speeches and
23 public statements and official documents?

24 A Yes, it does include official statements and
25 documents.

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1 MR. FURNESS: That concludes my direct exam-
2 ination, but there are other defense counsel who, I
3 understand, wish to ask the witness certain questions.

4 Before that I tender for identification the
5 book Dosei Kyoshi, "Sharing Our Fate."

6 THE PRESIDENT: Mark it for identification.

7 CLERK OF THE COURT: The book styled "Sharing
8 Our Fate," printed in Japanese, being defense document
9 No. 927-951, will receive exhibit No. 2589 for identifica-
10 tion only.

11 (Whereupon, the document above
12 referred to was marked defense exhibit
13 No. 2589 for identification.)

14 THE PRESIDENT: Colonel Warren.

15 MR. WARREN: On the occasion when Wang inter-
16 viewed HIRANUMA, who besides yourself was present?

17 THE WITNESS: I believe that Captain KAGESA
18 was present also -- Colonel KAGESA.

19 THE PRESIDENT: These questions are on behalf
20 of the accused HIRANUMA, are they?

21 MR. WARREN: Yes, sir. That is the only
22 question I am going to ask, sir. It may become material
23 at a later time.

24 THE PRESIDENT: On behalf of --

25 MR. WARREN: -- HIRANUMA.

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22 question I am going to ask, sir. It may become material
23 at a later time.

24 THE PRESIDENT: On behalf of --

25 MR. WARREN: -- HIRANUMA.

1 THE PRESIDENT: Mr. Sutton.

2 MR. SUTTON: May it please the Tribunal, the
3 prosecution does not desire to cross-examine this
4 witness.

5 THE PRESIDENT: I suppose you want the witness
6 released on the usual terms.

7 MR. FURNESS: Yes, I do, your Honor.

8 THE PRESIDENT: He is released accordingly.

9 (Whereupon, the witness was excused.)

10 MR. FURNESS: I again offer in evidence
11 defense document No. 1387. It is a Certificate of
12 Illness of KAGESA, Sadaaki, from whom we have an
13 affidavit. It will show that he is seriously ill and
14 unable to attend the trial.

15 THE PRESIDENT: Mr. Tavenner.

16 MR. TAVENNER: If it please the Tribunal, on
17 yesterday I stated that as a result of independent
18 investigation the prosecution was convinced that the
19 witness was not in condition of health to be present
20 in Court. I intended to add our investigation shows
21 also that the witness left the hospital at noon on
22 May 9 to visit a member of his family considered to
23 be critically ill, and returned to the hospital at
24 noon on May 10. This may cast doubt upon his ability
25 to be here, but under all the circumstances I do not

1 feel justified in insisting upon it. We desire --

2 THE PRESIDENT: It is a matter for the prosecu-
3 tion.

4 MR. TAVENNER: Yes. We desire, however, to
5 object to the introduction of the affidavit mentioned
6 by counsel and assume that the only way in which his
7 testimony can be taken is by commission, if they desire
8 to tender it.

9 THE PRESIDENT: You don't insist upon him
10 being called here but you do want his evidence taken
11 on commission?

12 MR. TAVENNER: Yes, sir. That is because,
13 your Honor, we desire to cross-examine if they tender
14 his affidavit.

15 THE PRESIDENT: Well, if he can stand up to
16 cross-examination in his present condition, if he
17 could visit a friend outside the hospital on the 10th
18 of May, he probably is well enough to come here. The
19 question becomes one for us to determine when you ask
20 for a commissioner

21 This medical certificate was given in April.
22 We should have a later certificate.

23 MR. FURNESS: We will endeavor to obtain such
24 a certificate, your Honor.

25 I would like to point out that yesterday the

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20 for a commission.

21 This medical certificate was given in April.
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23 MR. FURNESS: We will endeavor to obtain such
24 a certificate, your Honor.

25 I would like to point out that yesterday the

1 prosecution said that their investigation showed that
2 this witness was not able to attend the trial. In
3 fairness to them I should say they said this examina-
4 tion of their was made on May 5, five days prior to
5 May 10, as I recollect. I should correct myself to
6 April -- they said April 4. We will try to make
7 further investigation to ascertain his condition and
8 if he can be produced in court he will because it will
9 make so much less work for all concerned.
10

11 I would, if I can, like to read the affidavit
12 because I think the Court will understand the purport
13 of later documents -- documents which are introduced
14 later -- if I do so. I have no objection to his being
15 cross-examined here or on commission and, of course,
16 if he isn't produced for that purpose the affidavit
17 should be ignored

18 THE PRESIDENT: Before we decide anything
19 we should know his present condition. Nobody but a
20 doctor can tell us that.

21 MR. WATSON: I met the witness in question
22 four or five days ago. His condition was very bad and
23 he was not in a condition which would allow him to
24 go out.

25 THE PRESIDENT: I suspected you were going
to tell us something like that. We want a doctor's

1 opinion.

2 Major Furness.

3 MR. FURNESS: Until we obtain such opinion,
4 if your Honor please, we will withdraw defense docu-
5 ment No. 1282 from the order of proof.

6 I now offer in evidence defense document
7 No. 927. This is a telegram reporting a speech made
8 by Wang Ching-wei, in Hanoi, French Indo-China, after
9 he fled from Nanking, on December 29, 1938. It shows
10 the policies under which the new national government
11 of China was established. It shows not uncritical
12 acceptance of the policies of Japan but urges changes.
13 This is from the book "Sharing Our Fate" which has
14 just been marked for identification.

15 THE PRESIDENT: Brigadier Nolan.

16 BRIGADIER NOLAN: May it please the Tribunal,
17 this document No. 927 raises a point of some importance.
18 There are approximately, by the latest count, some
19 twenty documents of the same character in today's
20 order of proof. The book itself, published in 1943
21 in Japanese, is described in the supporting certificate
22 as a collection of speeches made by persons holding high
23 public office in the Nationalist Government at Nanking
24 and also official announcements and documents
25 promulgated by the Nationalist Government at Nanking.

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21 in Japanese, is described in the supporting certificate
22 as a collection of speeches made by persons holding high
23 public office in the Nationalist Government at Nanking
24 and also official announcements and documents
25 promulgated by the Nationalist Government at Nanking.

1 The excerpts which are contained on the order of proof
2 will disclose that these are not speeches by persons
3 holding high public office in the Nanking Government
4 at Nanking but are, for the most part, speeches made
5 by individuals who hoped to hold high public office
6 in that government.

7 The certificate goes on to say that the
8 official announcements and documents were promulgated.
9 I do not know the sense in which that word is used
10 in this certificate but I would draw the attention of
11 the Tribunal to the fact that the majority of the
12 announcements and statements to be offered came into
13 existence before the formation of the Nationalist
14 Government at Nanking.

15 In the submission of the prosecution, the
16 answer to the problem as to what is the true nature
17 and character of this book may be gathered from the
18 preface which states that its purpose is to clarify
19 the fundamental ideas regarding Japanese and Chinese
20 relations. We submit that if this book does contain
21 accurate and true copies of speeches, announcements,
22 telegrams and statements this is not the manner in
23 which to prove these documents. And finally we submit
24 that it is purely political propaganda possessing no
25 probative value and the excerpts from the volume should

1 be rejected by the Tribunal.
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THE PRESIDENT: Major Furness.

MR. FURNESS: Since the certificate has been called into question I would suggest that the clerk distribute to the Court the certificate for defense documents No. 927 to 951.

(Whereupon, documents were distributed to the Tribunal.)

All these documents which we plan to introduce are either official statements of the Wang Ching-wei Government at Nanking, the Renovation Government at Tsingtao, I think, and the Provisional Government at Peking. Many are by Wang Ching-wei himself, who is dead and cannot testify. All held important public office in the Wang Ching-wei Government, which was formed in 1940, which was recognized by Japan. They will show how these governments evolved, why they were set up, and we submit that they will prove that it was not a puppet government but an independent government. They were made in China under the auspices of three governments which no longer exist, and it would be impossible for us to produce the official documents made at the time.

We submit that the best evidence rule does not apply in this proceeding, and that even if it did, this is the best evidence that we can produce. We

1 submit that it has probative value very definitely,
2 and that under the Charter it should be accepted in
3 evidence.

4 I believe -- but I cannot say this with
5 certainty -- that some documents from this book have
6 been produced by the prosecution and have been
7 accepted; I cannot swear to that.

8 THE PRESIDENT: If it has been tendered today
9 for identification for the first time, it is unlikely
10 that the prosecution have used it. They may, however,
11 have used some of the material that the book contains.

12 MR. FURNESS: It is a printed book, and
13 of course there might have been other copies. We
14 submit, however, that regardless of that it has pro-
15 bative value and that any questions regarding it go
16 to weight and not admissibility, and that, therefore,
17 it should be accepted in evidence.

18 I should call attention to the fact that the
19 witness identified it.

20 We are, of course, only introducing into
21 evidence excerpts which we believe are relevant and
22 have probative value in this case before the Tribunal.

23 THE PRESIDENT: Mr. Tavenner, would you come
24 to the lectern, please?

25 Members of the Tribunal would like you to

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19 witness identified it.

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21 evidence excerpts which we believe are relevant and
22 have probative value in this case before the Tribunal.

23 THE PRESIDENT: Mr. Tavenner, would you come
24 to the lectern, please?

25 Members of the Tribunal would like you to

1 suggest, if you can, any other way of proving these
2 speeches of persons you allege to be puppets.

3 MR. TAVENNER: Your Honor, there may be a
4 number of means of proving it, proving them; for
5 instance, the possession of the original manuscript,
6 the possession of a copy which could be properly
7 authenticated, the testimony of persons who heard the
8 speech made, possibly some official record.

9 THE PRESIDENT: That occurred to us also. But
10 are those things obtainable?

11 MR. TAVENNER: Of course, your Honor, it is
12 impossible for us to determine the practicability of
13 obtaining such information as we have not made such an
14 investigation.

15 THE PRESIDENT: We called on you because of
16 the importance of this particular matter.

17 MR. TAVENNER: And we are not aware of any
18 investigation that the defense has made.

19 THE PRESIDENT: And there are obvious diffi-
20 culties of proof. The mere mention of those alterna-
21 tives shows that.

22 Well, you can't help us beyond telling us that.

23 We have decided to adjourn early with a view
24 to conferring on the question.

25 We will adjourn now until half-past nine

1 tomorrow morning.

2 (Whereupon, at 1545, an adjournment
3 was taken until Friday, 16 May 1947, at 0930.)
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